

# TITLE 175: COMMONWEALTH CASINO COMMISSION REGULATIONS

## SUBCHAPTER 175-10.1 COMMONWEALTH CASINO COMMISSION RULES AND REGULATIONS

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Chapter Authority: [4 CMC § 2314](#).

Chapter History: Amdts Adopted 40 Com. Reg. 40910 (Aug. 28, 2018); Amdts Proposed 40 Com. Reg. 40583, 40590 (Mar. 28, 2018); (Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2017), 39 Com. Reg. 40084 (Sept. 28, 2017), and 39 Com. Reg. 39773 (July 28, 2017); Amdts Adopted 40 Com. Reg. 40560 (Jan. 28, 2018); Amdts Proposed 39 Com. Reg. 39755 (July 28, 2017); Amdts Adopted 39 Com. Reg. 39761 (July 28, 2017); Amdts Proposed 39 Com. Reg. 39169 (Jan. 30, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: Title 175, Commonwealth Casino Commission, was adopted on October 28, 2016.

In the Public Notice of Certification and Adoption in 38 Com. Reg. 38619 (Oct. 28, 2016), the notice states that these regulations were published as proposed regulations in 38 Com. Reg. 38223 (July 28, 2016). However, the regulations were published as proposed regulations in 38 Com. Reg. 38424 (Aug. 28, 2016), while they were published as emergency regulations in 38 Com. Reg. 38223 (July 28, 2016).

During initial codification, the Commission substituted proper section numbers for certain terms, struck out figures where they were merely a repetition of written words, changed capitalization for the purpose of conformity, and corrected manifest clerical and typographical errors throughout Title 175 pursuant to [1 CMC § 3806](#)(d)–(g).

### SUBCHAPTER 175-10.1 COMMONWEALTH CASINO COMMISSION RULES AND REGULATIONS

#### Part 001 - ISSUANCE OF REGULATIONS; CONSTRUCTION; DEFINITIONS

##### § 175-10.1-001 Promulgation, Amendment, Modification and Repeal.

The following regulations are issued pursuant to Public Law 18-56, in accordance with procedures promulgated by the Administrative Procedure Act, 1 CMC §9101 et seq. The Commission will, from time to time, promulgate, amend, and repeal such regulations, consistent with the policy, objects, and purposes of Public Law 18-56, as the Commission may deem necessary or desirable in carrying out the policy and provisions of the laws of the Commonwealth. These regulations supersede any other regulations previously promulgated.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

##### § 175-10.1-005 Construction.

(a) Nothing contained in these regulations shall be construed as to conflict with any provision of the Act.

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(b) These rules and regulations shall be interpreted in accordance with generally accepted principles of statutory construction.

(c) These rules and regulations shall be liberally construed to permit the Commission to effectively carry out its statutory functions and to secure a just and expeditious determination of issues properly presented to the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-010 Severability.**

If any clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion of these entire rules and regulations or the application thereof to any person or circumstance shall be held to be invalid, such holding shall not affect, impair, or invalidate the remainder of these rules and regulations or the application of such portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, chapter, or other portion thereof directly involved in such holding or to the person or circumstance therein involved.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-015 Preemption.**

The Commission shall have exclusive jurisdiction over all matters delegated to it or within the scope of its power under the provisions of the Act and these regulations. These Regulations supersede any bylaws of the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-020 Practice where Regulations Do Not Govern.**

In any matter not governed by these regulations, the Commission shall exercise its discretion so as to carry out the purposes of the Act.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-025 Suspension of Regulations.**

On its own or a party's motion, the Commission may – to expedite its decision or for other good cause – suspend any provision of these regulations in a particular matter and order proceedings as it directs, except the Commission may not contradict any explicit requirement of the Act.

Modified, 1 CMC § 3806(f).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-030 Definitions, Words and Terms; Tense, Number and Gender.

In interpreting these regulations, except when otherwise plainly declared or clearly apparent from the context: Words in the present tense include the future tense; the singular includes the plural and the plural includes the singular; and words of one gender include the other genders.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-035 Headings.

The heading of a title, subtitle, chapter, subchapter, part, subpart, section or subsection does not limit or expand the meaning of a regulation.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-040 Definitions.

In this subchapter, the following words have the following meanings, unless some contrary meaning is required:

- (a) “Act” means Public Law 18-56 as it may be amended or supplemented by subsequent legislation.
- (b) “Ante” means a player’s initial wager or predetermined contribution to the pot prior to the dealing of the first hand.
- (c) “Automated Teller Machine” or “ATM” means an automated bank teller machine capable of dispensing or receiving cash.
- (d) “Authorized Personnel” means any member or designee of the Commonwealth Casino Commission.
- (e) “Book” means a race book or sports pool licensed and approved pursuant to these regulations.
- (f) “Business Year” means the annual period used by a licensee for internal accounting purposes.
- (g) “Call” means a wager made in an amount equal to the immediately preceding wager.
- (h) “Card Game” means a game in which the licensee is not party to wagers and from which the licensee receives compensation in the form of a rake-off, a time buy-in, or other fee or



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payment from a player for the privilege of playing, and includes but is not limited to the following: poker, bridge, whist, solo and panguingui.

(i) “Card Room Bank” means an imprest fund which is a part of and accountable to the licensee’s casino cage or bankroll but which is maintained in the card room exclusively for the purposes set forth in §175-10.1-2115(a).

(j) “Card Table Bank” means an imprest inventory of cash and chips physically located in the table tray on the card table and controlled by the licensee through accountability established with the card room bank. The card table bank shall be used only for the purposes set forth in § 175-10.1-2115(b)

(k) “Cashable Credits” means wagering credits that are redeemable for cash or any other thing of value.

(l) “Casino” means a place, area, structure, vessel, communication channel, or other thing, tangible or intangible, subject to licensing pursuant to this chapter for the conduct and playing of one or more games, or the acceptance of bets and wagers, including all associated activities of gaming and wagering, including but not limited to any bar, cocktail lounge, or other facilities housed therein such as money counting, surveillance, accounting, and storage, related to such conduct and playing, provided, that such term shall not include areas of a resort complex or other facility exclusively devoted to other activities, such as a hotel, golf course, etc., in which no game is conducted or played and no wagering occurs.

(m) “Casino Employees” means any natural person employed by the licensed casino who carries out or conducts casino gaming activities as part of the business of the exclusive casino licensee, which person shall be eighteen years of age or older and hold a license granted by the Commission. Persons deemed to be casino employees shall include:

(1) Table games personnel who attend to or conduct gaming activities, including dealers, floor people, pit mangers and shift managers.

(2) Cage and count room personnel who support gaming activities within the casino, including cashiers, supervisors and shift managers.

(3) Security personnel who work within the casino gaming areas, including guards, supervisors and shift managers.

(4) Surveillance personnel who work within the casino gaming areas, including operators, supervisors and shift managers.

(5) Marketing personnel who attend to or support gaming activities within the casino gaming areas, including hosts, marketing representatives, supervisors, and shift managers.

(6) Slot machines personnel who attend to or support gaming activities within the casino, including attendants, technicians, supervisors, and shift managers.

(7) Accounting personnel who work directly with financial information relating to gaming activities, including revenue auditors, staff accountants, and supervisors.

(8) Information technology personnel who attend to or support gaming activities within the casino, including technicians, engineers, and supervisors.

(9) Members of the management team who are manager level and above and who oversee or supervise or have responsibilities over any of the above operations.

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- (10) Executive directors of the casino licensee.
- (n) “Casino Gaming Activities” means all games of chance and other games played in major casino establishments in the United States and other games approved by the Commission, and further includes the operation of a sports book approved by the Commission to accept bets and wagers on sporting and other events which rely on events which occur within and without the casino.
- (o) “Casino Gaming Licensee” or “Casino Licensee” means the holder of the license issued by the Commonwealth Lottery Commission pursuant to the Act to operate casino gaming at the casino gaming facilities.
- (p) “Casino Gross Gaming Revenue” means the total sums actually received from casino gaming activities, including credit card payments received and checks received whether collected or not, less the total amount paid out as winnings, provided that any sum received in payment for credit extended by a casino or operator for purposes of casino gaming activities or for the issue of a chip or chips for casino gaming activities shall be included as a sum received from gaming, and provided further that no allowance shall be permitted for any credit card fee or discount.
- (q) “Casino Key Employee” means an individual who is employed in the operation of a casino and who supervises other individuals employed in the casino and includes:
- (1) A manager, an assistant manager, a floor person, a pit boss, a shift boss, a credit manager, and a count room manager;
  - (2) A supervisor of security employees, surveillance employees, accounting and auditing employees, and cashiers or count room employees; and
  - (3) Any employee whatsoever of a casino licensee so designated by the Commission.
- (r) “Casino Non-gaming-related Supplier” means a person who provides for the playing of games of chance in a casino, gaming equipment that is not mentioned in the definition of casino service provider in this section, or goods or services that relate to the construction, furnishing, repair, maintenance, or business of a casino, but that are not directly related to the playing of games of chance.
- (s) “Casino Security Service” means any non-governmental enterprise providing surveillance and/or security services to a casino, a casino licensee, to an approved hotel, or to any premises located with a casino hotel complex.
- (t) “Casino Service Provider” means a person subject to licensing pursuant to this chapter that offers goods or services directly related to casino gaming activities, including such persons as: gaming equipment manufacturers, importers, distributors, and repairers; casino security services; and any other service provider or entity the Commission requires to be licensed.
- (u) “Chairman” means the Chairman of the Commission appointed, confirmed, and elected pursuant to the Act or his designee.

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- (v) “Check” means a monetary instrument commanding a bank to pay a sum of money. In card games, it means to waive the right to initiate the wagering, but to retain the right to call after all the other players have either wagered or folded.
- (w) “Chip” means a non-metal or partly metal representative of value issued by a licensee for use at table games or counter games at the licensee’s gaming establishment.
- (x) “CMC” means the Northern Mariana Islands Commonwealth Code.
- (y) “CNMI” means the Commonwealth of the Northern Mariana Islands.
- (z) “Commission” means the Commonwealth Casino Commission established by the Act.

Modified, 1 CMC § 3806(d), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed semi-colons following definition terms to “means” pursuant to 1 CMC § 3806(g).

### § 175-10.1-045 Further Definitions.

In this subchapter, the following words have the following meanings, unless some contrary meaning is required:

- (a) “Commissioner” means the commission member of the Commission appointed and confirmed pursuant to the Act.
- (b) “Commonwealth” means the Commonwealth of the Northern Mariana Islands.
- (c) “Confidential Information” means any information or data, furnished to or obtained by the Commission from a source, which is considered confidential pursuant to the applicable statutory provision, judicial decision, or rule of court.
- (d) “Convention Center” is a place, combining the requirements of a Hotel, for a formal assembly or meeting of members, representatives, or delegates of a group, such as a political party, fraternity, union, business, government or religious entity.
- (e) “Counter Game” means a game in which the licensee is party to wagers and wherein the licensee documents all wagering activity. The term includes, but is not limited to bingo, keno, race books, and sports pools. The term does not include table games, card games, and slot machines.
- (f) “Counter Games Pay-out” means the total amount of money, chips, tokens, wagering vouchers, payout receipts, and electronic money transfers made from a counter game through the use of a cashless wagering system, that are distributed to a patron as the result of a legitimate wager.

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(g) “Counter Games Write” means the total amount of money, guaranteed drafts, chips, tokens, wagering vouchers, unpaid winning tickets, and electronic money transfers made to a counter game through the use of a cashless wagering system, that are accepted from a patron as a legitimate wager.

(h) “Debit Instrument” means a card, code or other device with which a person may initiate an electronic funds transfer or a wagering account transfer. The term includes, without limitation, a prepaid access instrument

(i) “Dollar” means the money unit employed as legal tender of the United States of America of the value of one hundred cents.

(j) “Drop” means:

(1) For table games, the total amount of money, guaranteed drafts, chips, tokens, and wagering vouchers contained in the drop boxes and any electronic money transfers made to the game through the use of a cashless wagering system.

(2) For slot machines, the total amount of money, tokens, and wagering vouchers contained in the drop box, and any electronic money transfers made to the slot machine through the use of a cashless wagering system.

(k) “Drop Box” means:

(1) For table games, a locked container permanently marked with the game, shift, and a number corresponding to a permanent number on the table. All markings must be clearly visible from a distance of at least twenty feet. The container must be locked to the table, separately keyed from the container itself. All currency exchanged for chips or tokens or credit instruments at the table and all other items or documents pertaining to transactions at the table must be put into the container.

(2) For slot machines, a container in a locked portion of the machine or its cabinet used to collect the money and tokens retained by the machine that is not used to make automatic payouts from the machine.

(l) “Electronic Money Transfer” means the transfer to or from a game or gaming device of a patron’s cashable credits, through the use of a cashless wagering system, that have either been provided to the patron by the licensee, or for which the licensee or its affiliates have received cash through a wagering account. The term also includes electronic funds transferred from a financial institution to a game or gaming device as a result of an electronic funds transfer through a cashless wagering system.

(m) “Enrollee” or “Enrolled Person” means any attorney, certified public accountant, or agent who is authorized to appear or practice before the Commission as provided in Part 1000.

(n) “Establishment” means any premises where business is conducted, and includes all buildings, improvements, equipment and facilities used or maintained in connection with such business.

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- (o) “Executive Director” means the Executive Director of the Commission appointed pursuant to the Act or his designee.
- (p) “Fiscal Year” means the period commencing on October 1 and ending the subsequent September 30.
- (q) “Funds” means money or any other thing of value.
- (r) “Game” means any activity that includes elements of prize, consideration, and chance, or any “game” that is approved by the Commission for the casino’s purposes.
- (s) “Gaming” means the playing of any game.
- (t) “Gaming Equipment” means any mechanical, electrical, or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, chips, plaques, card dealing shoes, drop boxes, and other devices, machines, equipment, items, or articles determined by the Commission to be so utilized in gaming as to require licensing of the manufacturers, distributors, or services or as to require Commission approval in order to contribute to the integrity of the gaming industry.
- (u) “Guaranteed Draft” means a draft or check accepted by a licensee for gaming purposes whose drawer is a patron and whose drawee unconditionally guarantees payment provided that all required issuance and acceptance procedures are adhered to by the drawee and the licensee. The term includes, but is not limited to, traveler’s checks. The term does not include personal checks.
- (v) “Hand” means one game in a series, one deal in a card game, or the cards held by a player.
- (w) “Hotel” means a commercial establishment that provides lodging and usually meals, entertainment, and various personal services for the public for a fee. To be considered a hotel, it must be built to the standards and contain amenities required in the Casino License Agreement entered into between the Commonwealth Lottery Commission and the casino gaming licensee.
- (x) “Independent Accountant” means a certified public accountant licensed by the Commonwealth or another state or territory of the United States, who is qualified to practice public accounting in the Commonwealth under the provisions of 4 CMC 3401 et seq.
- (y) “Jackpot Pay-out” means money, tokens, payout receipts, wagering vouchers, electronic money transfers made from a slot machine through the use of a cashless wagering system and the actual cost to the licensee of personal property, other than travel expenses, food, refreshments, lodging, or services distributed to a slot machine player as a result of a legitimate wager.
- (z) “Junket” means a casino junket, as the term is generally used in the industry in all its forms, where gamblers traditionally are flown to an area where legalized gambling is available

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and booked into a hotel/casino at a discount provided by a junket promoter or operator who engages in junket activity, which includes but is not limited to the provision of transportation, accommodation, food and drinks, discounts, rebates, or entertainment with the purpose of promoting wagering in exchange for receiving commissions or other compensation paid by a casino operator.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed semi-colons following definition terms to “means” pursuant to 1 CMC § 3806(g).

### § 175-10.1-050 Further Definitions.

In this subchapter, the following words have the following meanings, unless some contrary meaning is required:

- (a) “Licensee” means a holder of a license issued by the Commission.
- (b) “Meeting” means the convening of the full membership of the Commission, for which notice and a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the Commission has supervision, control, jurisdiction, or advisory power. It includes, but is not limited to, the consideration of license applications, transfers of interest, claims for tax refunds, petitions for redetermination, disciplinary proceedings, and exclusion list proceedings.
- (c) “Members” mean the Commissioners of the Commonwealth Casino Commission.
- (d) “Operator” means any person that actually provides the overall management of the operations of a casino, whether by ownership, lease, contract, agreement, or otherwise.
- (e) “Payout Receipt” means an instrument that is redeemable for cash and is either issued by a game or gaming device, or as a result of a communication from a game or gaming device to associated equipment, that cannot be used for wagering purposes.
- (f) “Person” includes a natural person, as well as a partnership, corporation, association, joint venture, or other business entity.
- (g) “Pot” means the total amount anted and wagered by players during a hand.
- (h) “Premises” means land together with all buildings, improvements and personal property located thereon.
- (i) “Prepaid Access Instrument” means a card, code, electronic serial number, mobile identification number, personal identification number or similar device that allows patron access to funds that have been paid in advance and can be retrieved or transferred at some point in the

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future through such a device. To transfer funds for gaming purposes, a prepaid access instrument must be used in conjunction with an approved cashless wagering system, race book or sports pool wagering account, or interactive gaming account.

(j) “Promotional Chip” means a chip or token-like object issued by a licensee for use in promotions or tournaments at the licensee’s gaming establishment.

(k) “Proposition Player” means a person paid a fixed sum by the licensee for the specific purpose of playing in a card game who uses his own funds and who retains his winnings and absorbs his losses.

(l) “Raise” means a wager made in an amount greater than the immediately preceding wager.

(m) “Rake-off” means a percentage of the total amount anted and wagered by players during a hand in a card game which may be taken by the licensee for maintaining or dealing the game.

(n) “Registration” means a final order of the Commission which finds a partnership, limited partnership, association, trust, corporation, or other legal entity except an individual suitable to be a holding company with respect to a licensee.

(o) “Regulations” means regulations adopted by the Commission.

(p) “Resort” means a place, such as a hotel with no fewer than five hundred rooms and a meeting hall, convention center, or other large event space capable of accommodating one thousand attendees, that is frequented by people for relaxation or recreation. To be considered a Resort, it must be built to the standards and contain amenities required in the Casino License Agreement entered into between the Commonwealth Lottery Commission and the casino gaming licensee.

(q) “Rim Credit” means all extensions of credit in exchange for chips not evidenced by the immediate preparation of a credit instrument.

(r) “Sales Representative” means any person owning an interest in, employed by, or representing a casino service industry enterprise licensed, who solicits the goods and services or business thereof.

(s) “Secretary” means the secretary of the Commission appointed, confirmed, and elected pursuant to the Act or his designee.

(t) “Secure Storage Facility” means any area, room, furniture, equipment, machinery, or other device used by the Commission for the storage of confidential information access to which is limited to authorized personnel at all times by lock or other appropriate security precaution.

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- (u) “Shill” or “Card Game Shill” means an employee engaged and financed by the licensee as a player for the purpose of starting and/or maintaining a sufficient number of players in a card game.
- (v) “Slot Machine” means a machine used for gambling that starts when you put coins, dollars, chips, tokens, or credits into it and pull a handle or press a button. It includes but is not limited to video poker machines, electronic gaming machines, and all similar machines as determined by the Commission which can be used for the playing of games or wagering in any fashion.
- (w) “Stake” means the funds with which a player enters a game.
- (x) “Stakes Player” A person financed by the licensee to participate in a game under an arrangement or understanding where by such person is entitled to retain all or any portion of his winnings.
- (y) “Statements on Auditing Standards” means the auditing standards and procedures published by the American Institute of Certified Public Accountants.
- (z) “Statistical Drop” means the dollar amount of cash wagered by a patron that is placed in the drop box plus the dollar amount of chips or tokens issued at a table to a patron for currency, credit instruments, or rim credit.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed semi-colons following definition terms to “means” in (l) and changed “it be built the” to “it must be built to the” in (p) pursuant to 1 CMC § 3806(g).

### § 175-10.1-050 Further Definitions.

In this subchapter, the following words have the following meanings, unless some contrary meaning is required:

- (a) “Statistical Win” means the dollar amount won by the licensee through play.
- (b) “Table Game Bankroll” means the inventory of:
- (1) Chips, tokens, and coinage at a table game that is used to make change, extend credit, and pay winning wagers; and
  - (2) Unpaid credit at a table game, including credit instruments not yet transferred to the cage and outstanding rim credit.
- (c) “Table Tray” means a receptacle used to hold the card table bank.
- (d) “Time Buy-in” means a charge to a player, determined on a time basis, by the licensee for the right to participate in a game.



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- (e) “Token” means a metal representative of value issued by a licensee for use in slot machines and at table games or counter games at the licensee’s gaming establishment.
- (f) “Treasurer” means the treasurer of the Commission appointed, confirmed, and elected pursuant to the Act or his designee.
- (g) “Vice Chairman” means the Vice Chairman of the Commission appointed, confirmed, and elected pursuant to the Act or his designee.
- (h) “Wager” or “Wagering” means a contract in which two or more parties agree that a sum of money or other thing, tangible or intangible, shall be paid or delivered to one of them or that shall gain or lose on the happening of an uncertain event or upon the ascertainment of a fact in dispute.
- (i) “Wagering Voucher” means a printed wagering instrument, used in a cashless wagering system, that has a fixed dollar wagering value and is redeemable for cash or cash equivalents.

Modified, 1 CMC § 3806(d), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed semi-colons following definition terms to “means” pursuant to 1 CMC § 3806(g).

### **PART 100 - COMMONWEALTH CASINO COMMISSION: ORGANIZATION AND ADMINISTRATION**

#### **§ 175-10.1-101 Commonwealth Casino Commission.**

- (a) The Commission is an autonomous public agency of the government of the Commonwealth of the Northern Mariana Islands and shall consist of five Commissioners:
- (1) The Governor shall appoint from the Third Senatorial District three members to the Commission, subject to the advice and consent of the Saipan and Northern Islands Legislative Delegation.
  - (2) The Mayor of Rota shall appoint from the First Senatorial District one member to the Commission, subject to the advice and consent of the Rota Legislative Delegation.
  - (3) The Mayor of Tinian and Aguiguan shall appoint from the Second Senatorial District one member to the Commission, subject to the advice and consent of the Tinian and Aguiguan Legislative Delegation.
  - (4) Each member shall serve a term of six years, except that of the members first appointed, two shall serve a term of four years, and three shall serve a term of six years, however, each member shall serve one term. A term of a member is defined as the time a member serves as a Commissioner regardless of duration.
  - (5) The terms of all the members first appointed shall begin from May 1, 2014, regardless of the actual date of appointment.

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- (b) Any vacancy shall be filled in the same manner as the original appointment and for the unexpired term thereof. A member removed from the Commission for cause shall not be re-appointed to the Commission.
- (c) Qualifications of Commissioners:
- (1) Each member shall be a citizen or national of the United States and shall be a resident of and registered to vote in the senatorial district from which they were appointed.
  - (2) A Commission member must be an adult, and possess a good moral character, a bachelor's degree in any field of study from a postsecondary educational institution accredited in the United States or must have at least five years of work experience in the following areas: business management, government management, or financial management.
  - (3) No person may be appointed who has been convicted of a crime, excepting traffic offenses, in any jurisdiction of the United States, the Commonwealth, or any foreign country carrying a maximum sentence of more than six months, or any crime or offense involving moral turpitude unless a full pardon has been granted.
  - (4) No member shall serve in any other positions established by this chapter or shall be an employee or official of the Commonwealth, or of a municipality, agency, corporation, or other instrumentality or branch of the Commonwealth, or of any agency of local government of the Commonwealth, except that a member may serve without additional compensation on a task force or other temporary body, the work of which is related to the work of the Commission.
  - (5) No individual may serve as a member of the Commission if such individual, or a parent or child of such individual, holds or is an applicant for any license under this title or holds any direct or indirect financial interest in any person or entity that holds or is an applicant for any license under this title.
  - (6) The gender and ethnicity requirements of 1 CMC § 2901 shall not apply to the Commission.
- (d) Removal of Commissioner for Cause Only. The Governor may, for cause only, suspend or remove any Commission member, without regard to who appointed said member, subject to judicial review by the Commonwealth Superior Court, which may stay such removal or suspension pending such review.
- (e) Membership on the Commission shall be automatically forfeited upon violation of subsection (c), upon conviction of a felony, or upon conviction of any crime or offense involving moral turpitude.
- (f) The Commission shall not be considered an agency of local government for purposes of Article VI, Section 8, of the Commonwealth Constitution.
- (g) Compensation. Members of the Commission shall each be compensated pursuant to law. The members of the Commission are not employees of the Commission or the Commonwealth government.
- (h) The members of the Commission shall elect their Chairman, Vice Chairman, secretary and treasurer for terms of one year, beginning from the effective date of their term.

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(i) **Quorum.** The minimum number of Members needed to constitute a quorum for the conduct of Commission business shall be three Members. A Member who appears at a Meeting telephonically or via videoconference shall be deemed present to constitute a quorum.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-105 Powers and Duties.

The Commission shall have all the powers and authority necessary to carry out the purposes of the Act, including, without limitation, the responsibility:

(a) To conduct hearings pertaining to the violation of the Act or regulations promulgated thereto, including hearings for the purpose of approving casino licenses and other business allowed under the Act.

(b) To promulgate such rules and regulations, as may be necessary to fulfill the intent, policies, and purposes of the Act. The Commission may use such rules and regulations to interpret; enlarge upon, except provisions defining the authority and powers of the Commission; or define any provision of the Act to the extent that such provision is not specifically defined by the Act. The rules and regulations shall, at a minimum, provide for the following:

(1) A code of ethics for the members of the Commission and its officers and employees;

(2) Supervision, monitoring, and investigation or other means to ensure the suitability and compliance with the legal, statutory, and contractual obligations of owners, operators, and employees of casinos and other persons licensed under this chapter;

(3) The examination, supervision, and monitoring of the continuing fiscal and financial capability of casino owners, operators, concessionaires, and other parties with any direct or indirect relation to the sole casino operator licensee and to protect the public in the event that such capability is significantly diminished;

(4) To collaborate in the definition, coordination, and execution of the economic policies for the operations of the casino games of fortune and other ways of gaming, pari-mutuels, wagering, and casino gaming activities offered to the public;

(5) To authorize and certify all the equipment and utensils used by the operations of the concessionaires approved in the respective concessions;

(6) To issue licenses for “junket” promoters of casino games of fortune or other casino gaming activities and charge fees therefore;

(7) To examine, supervise, and monitor the eligibility of the single or collective junket promoter(s), their partners, and principal employees;

(8) To examine, supervise, and monitor the activities and promotions of the junket promoters in relation to their compliance with legal, statutory, and contractual obligations, and other responsibilities stipulated in the applicable legislation and contracts;

(9) To investigate and penalize any administrative infractions practiced according to the appropriate substantial and procedural legislations;

(10) To ensure that the relationship of the licensed gaming operators with the government and the public is in compliance with the Commission’s regulations and provides the highest interest to Commonwealth;

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- (11) The exclusion and removal of undesirable persons from the sole casino operator licensee's facilities;
  - (12) Civil penalties for the violation of provisions or regulations imposed under the Act;
  - (13) Penalties for the late payment of applicable fines or fees;
  - (14) Means to exclude from the gaming areas of a casino individuals under twenty-one years of age, except such lawful employees of the casino or of a resort complex or other facility of which the casino forms a part as the Commission determines by regulation may be present in such areas; and
  - (15) Provisions to attempt to identify and refuse service to gambling addicts and problem gamblers as they may be defined by the Commission.
- (c) To levy fines and penalties for the violation of provisions of the Act and the regulations promulgated by the Commission.
- (d) To require and demand access to and inspect, examine, photocopy, and audit all papers, books, and records of the casino operator on its premises or elsewhere as practical, including inspecting the gross income produced by the casino operators, gaming business and verification of their income, and all other matters affecting the enforcement of the Commission's policy or as required pursuant to the Act.
- (e) To determine the types of gaming and games to be covered by the casino license and their structure.
- (f) To regulate sports betting, pari-mutuel betting, and other wagering, which relies on events occurring within or without the casinos, regulated by the Commission.
- (g) The Commission shall not have the authority to issue license to the sole casino operator licensee. The power to issue such license lies with the Commonwealth Lottery Commission.
- (h) To require and demand access to and inspect, examine, photocopy, and audit all papers, books and records of any casino service provider on its premises or elsewhere as practical, including inspecting the gross income produced by the provider's business and verification of their income, and all other matters affecting the enforcement of the Commission's policy or as required pursuant to this chapter.
- (i) To conduct investigative hearings with public notice which may be conducted by one or more members with the concurrence of a majority of the Commission, or by a hearing examiner appointed by the Commission, with or without public notice, at such times and places, within the Commonwealth, as may be convenient.
- (j) To withhold from public inspection, copying, or disclosure:
- (1) All information and data required by the Commission to be furnished pursuant to this chapter or the regulations promulgated hereunder, or which may otherwise be obtained, relative to the internal controls or to the earnings or revenue of any applicant or licensee except in the course of the necessary administration of this act, or upon the lawful order of a court of

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competent jurisdiction, or, with the approval of the Attorney General, to a duly authorized law enforcement agency;

(2) All information and data pertaining to an applicant's criminal record, family, and background furnished to or obtained by the division or the Commission from any source shall be considered confidential and shall be withheld in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency; and

(3) All things permitted to be exempt pursuant to the Open Government Act.

(4) However, the following information to be reported periodically to the Commission by a casino licensee shall not be considered confidential and shall be made available for public inspection:

(i) A licensee's gross revenue from all authorized casino gaming activities as defined in this chapter, and the licensee's gross revenue from simulcast wagering;

(ii)

(A) The dollar amount of patron checks initially accepted by a licensee,

(B) the dollar amount of patron checks deposited to the licensee's bank account,

(C) the dollar amount of such checks initially dishonored by the bank and returned to the licensee as uncollected, and

(D) the dollar amount ultimately uncollected after all reasonable efforts;

(iii) The amount of gross revenue tax or investment alternative tax actually paid and the amount of investment, if any, required and allowed, pursuant to Commonwealth law;

(iv) A list of the premises and the nature of improvements, costs thereof and the payees for all such improvements, which were the subject of an investment required and allowed pursuant to Commonwealth law;

(v) A list of the premises, nature of improvements and costs thereof which constitute the cumulative investments by which a licensee has recaptured profits pursuant to Commonwealth law;

(vi) All quarterly and annual financial statements presenting historical data which are submitted to the Commission, including all annual financial statements which have been audited by an independent certified public accountant licensed to practice in the CNMI; and

(vii) The identity and nature of services provided by any person or firm receiving payment in any form whatsoever for professional services in connection with the authorization or conduct of games conducted at a casino establishment.

(k) Notice of the contents of any information or data released, except to a duly authorized law enforcement agency pursuant to subsections (j)(1)–(2), shall be given to any applicant or licensee in a manner prescribed by the rules and regulations adopted by the Commission

(l) To have the sole authority to amend or revoke the license granted to the casino operator by the Commonwealth Lottery Commission for operating in an unsuitable manner due to violations of law, breaches of the license or violations of the regulations promulgated by the Commission, as well as any other reason for revocation or termination stated in the License. If the Commission revokes the license issued by the Commonwealth Lottery Commission, the Commonwealth Casino Commission shall have the sole authority to re-issue a new casino gaming license. At least three affirmative votes by Commission members shall be required to issue a new casino license.

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(m) [RESERVED]

(n) [RESERVED]

(o) The Commission shall have all oversight, responsibility, and authority necessary to assure compliance with this chapter, including but not limited to authority over: timelines for construction, the commencement of operations, and achieving the minimum initial investment requirements. The Commission shall approve the casino operator licensee's set number of games, such as slot machines or gaming tables, either in total or by category, or by location.

(p) To impose reasonable charges and fees for all costs incidental to the review, redaction, and copying by the Commission of documents subject to public inspection without regard to whether the document is merely inspected by the requestor or whether copies are requested.

(q) To summarily seize and remove from all premises wherein gaming is conducted or gambling devices or equipment is manufactured, sold, or distributed, and impound any equipment, supplies, documents, or records for the purpose of examination and inspection.

(r) The Commission or any of its members has full power and authority to issue subpoenas and compel the attendance of witnesses at any place within the Commonwealth, to administer oaths, receive evidence, and to require testimony under oath. The Commission or any member thereof may appoint hearing examiners who may issue subpoenas, administer oaths, and receive evidence and testimony under oath.

(s) The Commission may pay transportation and other expenses of witnesses as it may deem reasonable and proper. The Commission may require any licensee or applicant which is the subject of the hearing to pay for all costs and expenses of said hearing, including the expenses of any witness.

(t) The Commission shall initiate regulatory proceedings or actions appropriate to enforce the provisions of the gaming laws of the Commonwealth and the regulations promulgated thereto, when appropriate shall, in conjunction with the Attorney General, sue civilly to enforce the provisions of the gaming laws of the Commonwealth and the regulations promulgated thereto, and may request that the Attorney General prosecute any public offense committed in violation of any provision of the gaming laws of the Commonwealth.

(u) To have sole jurisdiction to resolve disputes between patrons of a licensed casino and the licensee wherein the patron is attempting to collect a payout or other gaming debt. The Commission shall provide by regulation the procedures by which disputes are to be resolved and may impose charges and fees therefore. Notwithstanding any other law to the contrary, the Commission's decisions on patron disputes may be reviewed by the Commonwealth Superior Court which may affirm the decision and order of the Commission or the hearing examiner, or it may remand the case for further proceedings, or reverse the decision only if the substantial rights of the petitioner have been prejudiced because the decision is:

(1) In violation of constitutional provisions;

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(2) In excess of the statutory authority or jurisdiction of the Commission or the hearing examiner; or

(3) Unsupported by any evidence whatsoever.

(v) To have sole jurisdiction to determine whether a person or entity requires licensure or a finding of suitability in order to own, be employed by, receive revenue or profits (whether directly or indirectly) from, or do business with, a licensed casino. Further, the Commission shall have sole jurisdiction to determine whether a person or entity remains suitable in order to continue to own, be employed by, receive revenue or profits (whether directly or indirectly) from, or continue to do business with, a licensed casino. The Commission's decisions on licensure or finding of suitability may be reviewed by the Commonwealth Superior Court which may affirm the decision and order of the Commission or the hearing examiner, or it may remand the case for further proceedings, or reverse the decision only if the substantial rights of the petitioner, applicant or license holder have been prejudiced because the decision is:

(1) In violation of constitutional provisions;

(2) In excess of the statutory authority or jurisdiction of the Commission or the hearing examiner; or

(3) Unsupported by any evidence whatsoever.

(w) The Commission shall have concurrent authority to determine the suitability of any location proposed for any portion of the operations of the casino operator licensee's operations in the Commonwealth. The Commission shall have the authority to require of developers, owners, or financiers completion bonds in any amount agreeable to the Commission prior to or during the construction of any facility that requires, or once completed will require, a license from the Commission. The Commission shall have the authority to require the casino licensee to obtain completion bonds in any amount deemed reasonable to the Commission and of such quality satisfactory to the Commission to ensure the completion of construction for any construction project built by, for, or in relation to the casino licensee's operations in the Commonwealth. The Commission may but need not regulate the interior design, security, cleanliness or sanitation of any portion of the operations of the casino operator licensee's operations in the Commonwealth or any facility which requires or has a license issued by the Commission regardless of the location of such facility.

(x) Final action shall occur in an open meeting after appropriate notice has been given the public.

(y) To approve the construction of the various phases of development of the operations of the casino operator licensee's operations in the Commonwealth and to allow gaming to commence at any time, and in such locations in Saipan, as the Commission deems appropriate. Notwithstanding the foregoing, the Commission shall regulate one live training facility of temporary duration and all permanent facilities as are consistent with the provisions of the casino license agreement granted to the exclusive casino licensee and together shall be operated by the exclusive casino licensee.

(z) The Commission may exercise any proper power and authority necessary to perform the duties assigned to it by the Legislature, and is not limited by any enumeration of powers in this

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section.

Modified, 1 CMC § 3806(a), (d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission numbered the paragraph after (j)(3) as (j)(4) pursuant to 1 CMC § 3806(a).

### § 175-10.1-110      **Limitation on Powers and Duties.**

- (a) The Commission shall not regulate betting or wagering associated with cockfighting.
- (b) The Commission shall not have the authority to issue the original license to the sole casino operator licensee pursuant to the Act. The power to issue such sole casino operator license lies with the Commonwealth Lottery Commission pursuant to the Act.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-115      **Executive Director.**

- (a) The Commission shall hire an Executive Director who will be responsible for the overall administration of the Commission and the supervision of the casino operator licensee and others pursuant to the Act.
- (b) **Qualification of the Executive Director.** The Executive Director shall possess the following minimum qualification:
  - (1) A bachelor's degree from a United States accredited educational institution or equivalent;
  - (2) Five years work experience in professional, administrative, or management in government or private sectors;
  - (3) Good ethical and moral character;
  - (4) The Commission shall not hire any person for the Executive Director's position who has been convicted of a crime in any jurisdiction of the United States, or any foreign country carrying a minimum sentence of imprisonment of more than six months, excepting traffic offenses; and
  - (5) The Executive Director shall not have any interest, directly or indirectly, in any business under the jurisdiction of the Commission.
- (c) The Executive Director shall be the head of the administration of the Commission, and subject to the general oversight and direction of the Commission, shall organize the work of the Commission in a manner that will ensure its efficient and effective operation and, subject to the budgetary authority, the Executive Director may hire and terminate such staff including a legal counsel and other professionals, necessary to carry out the purpose of the Commission. Such staff shall be exempt from the civil service. The Executive Director shall obtain such equipment, rent or build such additional office space, and generally make such regular office expenditure and acquisitions as necessary to establish and maintain a working office suitable for the Commission to effectively function pursuant to the Act.



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- (d) The Executive Director shall have such other duties as may be assigned or delegated by the Commission.
- (e) The Executive Director serves at the pleasure of the Commission.
- (f) The Executive Director's annual salary shall be established by the Commission. The Executive Director shall be reimbursed for actual, necessary, and reasonable expenses incurred in the performance of his or her duties as allowed by the Commission, but in any event not to exceed twenty-five thousand dollars in reimbursements per calendar year. All travel will be subject to 1 CMC §7407.

Modified, 1 CMC § 3806(e)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-120 Delegation to Chairman.

- (a) The Commission hereby delegates to the Chairman the authority to issue preliminary rulings on scheduling, procedural, and evidentiary matters, and other matters provided by these regulations, that may be presented to the Commission during the course of conducting a meeting, or that may arise when the Commission is not meeting.
- (b) The Commission may, upon a majority vote in a specific case, temporarily abrogate the general delegation granted pursuant to subsection (a).
- (c) Any specific ruling or decision of the Chairman pursuant to subsection (a) is subject to consideration by the entire Commission upon the request of any Commissioner, or upon timely motion of a person affected by the ruling or decision.
- (d) The Commission shall be deemed to have ratified an action of the Chairman taken pursuant to subsection (a), under the following circumstances:
  - (1) If the Chairman's action occurred during a Commission meeting, the Chairman's action is ratified if the Commission does not overturn or address the action at that meeting.
  - (2) If the Chairman's action occurred at a time other than during a meeting, if the Commission does not overturn or address the Chairman's action at the next meeting concerning that particular matter.
- (e) The Chairman may sign all orders on behalf of the Commission.
- (f) Where the Commission is a party to civil litigation, the Chairman may give guidance regarding the course of the litigation to the attorney for the Commission.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-125 Commission Meetings.

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- (a) Regular meetings of the Commission shall be held at least once per month in Saipan, CNMI, on such dates and at such times as the Commission shall establish.
- (b) Special meetings of the Commission will be held from time to time on such dates and at such times and places as the Commission may deem convenient.
- (c) Except as otherwise specifically provided by these regulations, any member of the Commission may place an item on a Commission agenda for consideration by the entire Commission.
- (d) The Chairman may alter the order in which matters on the Commission agenda are heard.
- (e) Requests for special meetings will be granted only upon a showing of exceptional circumstances. The Commission may require that a person requesting a special meeting pay the costs associated with such meeting, in addition to those costs usually assessed against an applicant.
- (f) In the absence or incapacity of the Chairman, the Vice Chairman may call a special meeting. In the absence or incapacity of both, any two members of the Commission may call a special meeting.
- (g) Unless otherwise ordered by the Chairman, requests for continuances of any matter on the Commission agenda must be in writing, must set forth in detail the reasons a continuance is necessary, and must be received by the Secretary no later than two calendar days before the meeting.
- (h) Unless otherwise ordered by the Chairman, the original of any documentation supplementing an application as required by the Commission must be received by the Secretary no later than eight calendar days before the meeting. Documentation not timely received will not be considered by the Commission unless the Commission, in its discretion, otherwise consents.
- (i) The Chairman may defer to another meeting any matter with respect to which documentation has not been timely submitted. The applicant and its enrolled attorney or agent, if any, must appear at the meeting to which the matter is deferred, unless the Chairman waives their appearances.

Modified, 1 CMC § 3806(e)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-130 Resolutions and Minutes.

- (a) The records of the Commission shall include a minute book and a resolution book. The vote on any matter before the Commission shall be set forth in the minutes in substantial compliance with requirements of subsection (b), unless the Chairman or the Commission determines otherwise. If the Commission determines to memorialize the vote on a particular

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matter by the preparation of a formal resolution, the resolution shall be prepared in substantial compliance with the requirements of subsection (c) and shall be recorded in the resolution book.

(b) Every vote of the Commission recorded in the minutes shall include the following information:

- (1) The substance of the matter considered;
- (2) The vote of the Commission, including the names of any Commissioner dissenting or abstaining;
- (3) If appropriate, reference to the existence of a formal resolution concerning the matter; and
- (4) Certification by the Secretary of the Commission.

(c) Every formal resolution of the Commission shall include the following information:

- (1) A concise statement of the issues presented and the relevant procedural history;
- (2) The statutory authority for the action taken;
- (3) A precise statement of the action taken by the Commission, including any terms or conditions attached thereof; and
- (4) Certification by the Secretary of the Commission.

(d) The failure to substantially comply with the requirements of subsections (a), (b), or (c) shall not invalidate the vote of the Commission.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-135      Appearances.**

(a) Except as provided in subsection (b) or unless an appearance is waived by the Chairman, all persons, and their enrolled attorneys and agents, if any, must appear at the Commission meeting at which their matter is to be heard. Requests for waivers of appearances must be in writing, must be received by the Secretary no later than eight business days before the meeting, and must explain in detail the reasons for requesting the waiver. If at the time of its meeting the Commission has any questions of an applicant who has been granted a waiver and is not present, the matter may be deferred to another meeting of the Commission.

(b) Unless the Commission otherwise instructs, the following persons, and their enrolled attorneys and agents, are hereby granted a waiver of appearance for the Commission meeting: (1) Applicants who have received a unanimous recommendation of approval from the Commission; (2) Licensees and Commission counsel on stipulations between the licensees and the Commission, where the stipulations fully resolve petitions for redeterminations, claims for refunds, or other issues.

(c) Where the Commission is to consider a stipulation between the Executive Director and a licensee settling a disciplinary action and revoking, suspending or conditioning a license, the licensee shall be prepared to respond on the record to questions regarding the terms of the stipulation and the licensee's voluntariness in entering into the stipulation.

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Modified, 1 CMC § 3806(e), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-140 Recessed Meetings.**

Any meeting of the Commission may be recessed to consider matters which were duly noticed as items on the agenda of that meeting, to such time and place as the Commission may designate. Notice of a recessed meeting to consider matters which were duly noticed as items on the agenda may be given by announcement at the meeting, but where any other matters are to be considered at a recessed meeting, such matters must be duly noticed as required by these regulations or as otherwise required by statute.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-145 Investigative Hearings.**

Investigative hearings may be conducted by one or more members of the Commission with the concurrence of a majority of the Commission at such times and places, within the Commonwealth, as the member or members may deem convenient.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-150 Appointment of Committees.**

The Chairman may at his discretion appoint committees to study and report to the Commission any matter appropriate to the Commission's administration of the Act or these regulations.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-155 Service of Notices in General.**

(a) Each licensee and applicant shall provide an electronic mail address to the Commission for the purpose of sending notices and other communications from the Commission. Each licensee and applicant shall update this electronic mail address immediately as often as is otherwise necessary. The original provision and subsequent updates of electronic mail addresses shall be made to the Commission's custodian of records by means designated by the Chairman.

(b) Except as otherwise provided by law or in these regulations, notices and other communications may be sent to an applicant or licensee by electronic mail at the electronic mail address of the establishment as provided to the Commission for the purpose of sending notices and other communications. Except as otherwise provided by law or in these regulations, notices and other communications sent by electronic mail shall satisfy any requirement to mail a notice

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or other communication.

(c) Notices shall be deemed to have been served on the date the Commission sent such notices to the electronic mail address provided to the Commission by a licensee or applicant, and the time specified in any such notice shall commence to run from the date of such mailing.

(d) Any applicant or licensee who desires to have notices or other communications mailed to a physical address shall file with the Commission a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address, but the Commission may charge a fee therefore.

(e) An applicant or licensee will be addressed under the name or style designated in the application or license, and separate notices or communications will not be sent to individuals named in such application or license unless a specific request for that purpose is filed with the Commission. In the absence of such specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-160 Subpoenas.**

The Commission hereby delegates to the Secretary the authority to issue subpoenas and subpoenas duces tecum as provided by these regulations. In the absence of the Secretary, the Chairman may designate another person to issue such subpoenas.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission struck “and subpoenas” before “subpoenas duces tecum” pursuant to 1 CMC § 3806(g).

### **§ 175-10.1-165 Employment and Termination of Commission Employees.**

The Executive Director shall be responsible for the employment and termination of Commission employees. Members of the Commission are responsible only for the employment of the Executive Director and shall not interfere with the Executive Director’s employment decisions. The Executive Director shall create, and from time to time, update, an employee handbook or manual which reflect the Commission’s personnel policies. At a minimum, the handbook or manual shall provide for the hiring, discipline (up to and including termination), and appeal processes governing employment with the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-170 Procedure for Control of Evidence and Destruction of Cheating Devices.**

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- (a) When an agent of the Commission seizes any article of property, the custodian of evidence for the Commission shall place the evidence in a secure facility and enter in a suitable system sufficient information to establish a chain of custody. A failure to comply with this subsection shall not render evidence inadmissible in any proceeding before the Commission or otherwise.
- (b) Any article of property which constitutes a cheating device shall not be returned to a claimant. All cheating devices shall become the property of the Commission upon their seizure and may periodically be disposed of by the Commission. When disposing of a cheating device, the Commission shall document the date and manner of its disposal.
- (c) The Commission shall notify by first class mail each known claimant of a cheating device that he or she has sixty days from the mailing of notice within which to file a written claim to contest its classification as a cheating device.
- (d) Failure to timely file a written claim as provided in subsection (c) constitutes an admission by all claimants that the article of property is subject to destruction. The Chairman of the Commission shall have complete and absolute authority to rule on a claim filed pursuant to subsection (c).
- (e) After expiration of the sixty day period, the Commission may retain or dispose of the cheating device in any reasonable manner.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 200 - INFORMATION AND FILINGS**

#### **§ 175-10.1-201 Office Mailing Address and Hours.**

- (a) The main mailing address of the Commission is:

Commonwealth Casino Commission  
P.O. Box 500237  
Saipan, MP 96950

- (b) The normal office hours of the Commission are from 8:00 A.M. to 5:00 P.M., Monday through Friday, unless otherwise authorized by the Commission. The office of the Commission is closed to the public on legal holidays authorized by the CNMI government.
- (c) The Commission may maintain work schedules for Commission employees during any hour of any day.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-205 Official Records; Fees for Copies.**

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- (a) No original official record of the Commission shall be released from the custody of the Commission unless upon the express direction of the Chairman or Executive Director or upon the order of a court of competent jurisdiction.
- (b) Copies of the official records of the Commission which are required by law to be made available for public inspection will be made available during the hours provided for in § 175-10.1-201, and upon the payment of appropriate fees.
- (c) No person shall, directly or indirectly, procure or attempt to procure from the records of the Commission or from other sources, information of any kind which is not made available by proper authority.
- (d) No application, petition, notice, report, document, or other paper will be accepted for filing by the Commission and no request for copies of any forms, pamphlets, records, documents, or other papers will be granted by the Commission, unless such papers or request are accompanied by the required fees, charges, or deposits.
- (e) The cost of copies of official records of the Commission which are required by law to be made available for public inspection where copies are provided shall be one dollar per page. Where copies are not provided, the cost for the mere inspection of documents is seventy cents per minute of the Commission's legal counsel's time reviewing, redacting, and copying the inspected documents.
- (f) All payment of taxes, fees, deposits, and charges which are to be made to the Commonwealth Treasury shall be made by check payable to the order of the CNMI Treasurer and mailed to the Department of Finance with an original receipt delivered to the main office of the Commission or posted by certified mail to the mailing address of the Commission.
- (g) All payment of fees, deposits, charges, or payments of any kind which are to be made to the Commonwealth Casino Commission shall be made by check payable to the order of the Commonwealth Casino Commission or the CNMI Treasurer and posted by certified mail to the mailing address of the Commission.
- (h) The Commission may provide for payment by wire transfer.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-210      Communications/Notices to Commission.**

- (a) Except as otherwise provided, all papers, process, or correspondence, other than fees deposits or charges, relating to the Commission should be addressed to or served upon the Commission at the Commission's main office.
- (b) All such papers, process, or correspondence shall be deemed to have been received or

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served when delivered to the main office of the Commission, but a Commissioner or such individual members of the Commission's staff as the Chairman may designate, may in his or her discretion receive papers or correspondence or accept service of process.

(c) Notwithstanding any other regulation to the contrary, at least one copy of the casino gaming licensee's annual audited financial statements must be delivered to the Commission via US Mail. Six additional copies hard must be delivered to the Commission and may be hand delivered to the Commission's main office in Saipan. One electronic copy shall be emailed to the Commission.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-215 Public Information Office.

Requests for information regarding the Commission may be sent to:

Commonwealth Casino Commission  
Attn: Executive Director  
P.O. Box 500237  
Saipan, MP 96950

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-220 Filing of Petitions and Applications.

Petitions for formal action by the Commission shall be addressed to the Chairman of the Commission and should be certified mailed or delivered to:

Commonwealth Casino Commission  
Attn: Chairman  
P.O. Box 500237  
Saipan, MP 96950

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-225 Petitions for Rule-making.

(a) Any interested person may file a petition with the Commission for the adoption, amendment, or repeal of any rule, pursuant to Commission regulation. Such petition shall be in writing, be signed by the petitioner, and include the following information:

- (1) The name and address of the petitioner;
- (2) The substance or nature of the requested rulemaking;
- (3) The reasons for the request;
- (4) The specific legal rights, duties, obligations, privileges, benefits, or other specific legal relations of the interested person which are affected by the requested rulemaking; and



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(5) Reference to the statutory authority under which the Commission may take the requested action.

(b) A petition for rulemaking shall be scheduled for consideration at a public meeting of the Commission. The petitioner shall be given an opportunity to make a statement in support of the requested rulemaking.

(c) Within thirty days of receipt of a petition which is in compliance with this section, the Commission shall mail to the petitioner a notice of action on the petition, which shall include the nature or substance of the Commission's action upon the petition and a brief statement of reasons for the Commission's actions.

(d) Commission action on a petition for rulemaking may include:

(1) Approval or denial of the petition;

(2) Filing a notice of proposed rule; or

(3) Referral of the matter for further deliberations, the nature of which will be specified and which will conclude upon a specified date. The results of these further deliberations shall be mailed to the petitioner.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 300 - LICENSE AND REGISTRATION REQUIREMENTS**

#### **§ 175-10.1-301 Casino License.**

The casino license shall be granted pursuant to the Act by the Commonwealth Lottery Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-305 Casino Service Provider Licenses.**

(a) No person shall provide any goods or services to or conduct any business whatsoever with a casino, a casino licensee, its employees or agents, whether or not said goods, services, or business directly relates to casino or gaming activity, unless a casino service provider license authorizing the particular casino service business shall have first been issued to the enterprise pursuant to Part 1300 of these regulations if such licensure has been required by the Commission.

(b) The casino licensee shall not procure in any fashion goods or services from or conduct any business whatsoever with a person or entity, its employees or agents, whether or not said goods, services, or business directly relates to casino or gaming activity, unless a casino service provider license authorizing the particular casino service business shall have first been issued to

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the enterprise pursuant to these regulations if such licensure has been required by the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-310 Licenses Generally Required.**

(a) Every casino service provider, casino vendor, casino key employee, and casino employee, except those approved by the Chairman, shall wear in a conspicuous manner their license credential issued by the Commission at all times while on duty in the casino area, which includes without limitation the casino floor, cashier's cage, countrooms, surveillance rooms, security rooms, and any area of the premises not accessible to the general public. The license credential shall at a minimum contain the name of the hotel/casino complex, a photograph of the employee, the employee position and title, and shall be numerically controlled.

(b) Neither the casino gaming licensee nor any casino key employee licensee shall permit any person who should be licensed as a casino service provider, a casino vendor, a casino key employee or casino employee, except those approved by the Executive Director, to work in the casino area (as defined above) or any area not accessible to the general public without such person obtaining licensure from the Commission. Neither the casino gaming licensee nor any casino key employee licensee shall permit any casino service provider, casino vendor, casino key employee, or casino employee, except those approved by the Chairman, to work in the casino area (as defined above) without wearing their license credential in a conspicuous manner. Neither the casino gaming licensee nor any casino key employee licensee shall permit any casino service provider, casino vendor, casino key employee, or casino employee to be present in the cashier's cage, countrooms, surveillance rooms, security rooms, and any area of the premises not accessible to the general public if the employee is not working.

(c) The casino gaming licensee shall provide each such employee with a holder for the Commission license credential which shall permit the permanent display of the information contained on the license credential. Thirty days prior to the use of any such holder, a casino gaming licensee shall submit a prototype to the Commission along with a narrative description of the proposed manner in which the employee will be required to wear such holder.

(d) In those situations where a license credential is lost or destroyed, a casino key employee or casino employee may be authorized to enter the casino area to perform employment duties so long as:

- (1) The loss or destruction of the license is promptly reported in writing to the Commission;
- (2) The employee applies for a new license credential prior to working without the credential and pays the fee for obtaining a replacement license; and
- (3) Permission is received from a duly authorized Commission representative to do so.

(e) An application for renewal as a casino key employee or a casino employee shall be accompanied by an offer for continued employment by the casino gaming licensee. The casino employee license shall be valid for the remainder of the fiscal year in which it was applied for

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and renewed before every third October 1 thereafter, unless the license is sooner suspended or revoked, the licensee's authorization to work in the United States expires, is terminated or revoked, or the licensee's employment with the casino gaming licensee has ended. The casino key employee license shall be valid for the remainder of the fiscal year in which it was applied for and renewed before every other October 1 thereafter, unless the license is sooner suspended or revoked, the licensee's authorization to work in the United States expires, is terminated or revoked, or the licensee's employment with the casino gaming licensee has ended. By way of example, a casino key employee license or casino employee license applied for on December 31, 2015 is valid through September 30, 2017 and must be renewed before October 1, 2017. Key employee licensees must not begin work until they have been granted a provisional key employee license or a full key employee license by the Commission.

(f) All suppliers of the casino gaming licensee while conducting business within the premise shall wear in plain view an identification card that identifies the supplier. Supplier identification cards shall be issued by the Commission. No supplier shall be permitted to be in the casino area which includes without limitation the casino floor, cashier's cage, countrooms, surveillance rooms, security rooms, and any area of the premises not accessible to the general public without displaying the Commission-issued identification card.

(g) All licenses and identification cards issued by the Commission remain at all times property of the Commission and must be surrendered to the Commission immediately upon request by any Commission member, agent, or the Executive Director.

(h) Neither the casino gaming licensee nor any casino key employee licensee or casino licensee shall permit any person who is not a holder of a gaming license issued by the Commission access to:

- (1) Any player tracking software or database;
- (2) Any software or database used in any manner whatsoever for the conduct of casino gaming or casino accounting;
- (3) Any computer or network settings, configurations, or passwords if such computer or network settings, configurations, or passwords are used in any manner whatsoever for the conduct of casino gaming or casino accounting;
- (4) Any information or data of any kind whatsoever stored in or collected by any software listed in subsections (h)(1)–(2), unless such person is enrolled pursuant to Part 1000 or has been granted permission to obtain access by the Executive Director.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed “CCC” to “Commission” throughout this title pursuant to 1 CMC § 3806(g).

### **§ 175-10.1-315 Application for Employee License.**

An application for a casino employee license or casino key employee license shall be made pursuant to Part 1900. The casino licensee shall not employ any person unless the requirements

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of Part 1900 and these regulations have been met.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-320 Training Courses of Employees.

(a) The casino gaming licensee shall provide for person(s) employed or to be employed in a casino, training courses relating to the playing of games, the conduct of games, and associated activities in connection with the operations.

(b) All training courses shall be:

- (1) Conducted by the casino operator or, with the approval of the Commission, by the nominee of the casino operator;
- (2) Of such content, format, and duration as approved by the Commission; and
- (3) Offered, to the extent possible by the casino licensee, to prospective applicants of the Commonwealth on a periodic basis as approved by the Commission.

(c) The successful completion of an approved training course is a prerequisite for:

- (1) The issuance of casino key employee license or a casino employee license; or
- (2) The approval of the Commission to making of an amendment (and such amendment being made) in a licensee in respect to the type of work performed or to be performed by the licensee and for employment of the licensee in the type of work specified in the license, either in the first instance pursuant to the amendment, unless the licensee is qualified by the experience, satisfactory to the Commission, appropriate to the type of work to be performed by him as a licensee.

(d) A casino operator may conduct gaming on a simulated basis for the purpose of training employees, testing gaming equipment and gaming procedures, and demonstrating the conduct and playing of games provided:

- (1) It has obtained the prior approval of the Commission;
- (2) Is monitored by the Commission; and
- (3) Has paid all required fees as determined by the Commission.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-325 Mandatory License Requirements.

A condition of a casino license or any casino service provider or casino vendor license, the Commission or its authorized representatives may inspect and monitor, at any time and with or without notice, any part of the licensed casino, its gaming operations, equipment, records, and related activities and any similar area or activity of the licensed casino service provider or casino vendor, and that a law enforcement officer may enter any such area as requested by the Commission. The Executive Director may authorize representatives of the Commission.

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Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 400 - APPLICATION PROCEDURE**

#### **§ 175-10.1-401 Receipt.**

All application papers, unless otherwise directed by the Commission or these regulations, shall initially be submitted to and received by the Executive Director, or such members of the Commission staff as the Executive Director may designate.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-405 Filing.**

(a) The Executive Director, or such members of the Commission staff as the Executive Director may designate, shall determine the date of filing as to each application received and shall issue cause to be endorsed thereon the date of such filing. No application shall be deemed filed until the applicant satisfies all appropriate requirements, to wit:

- (1) That all papers presented conform to all requirements relating to format, signature, oath or affirmation, attorney certification, and copies;
- (2) That all appropriate application, business entity disclosure forms, personal history disclosure forms, and supplemental to personal history disclosure forms have been properly completed and presented;
- (3) That all required consents, waivers, fingerprint impressions, photographs, and handwriting exemplars have been properly presented;
- (4) That all other information, documentation, assurances, and other materials required or requested at that preliminary stage pertaining to qualifications have been properly presented; and
- (5) That all required fees have been properly paid and all required bonds have been properly furnished.

(b) Notwithstanding the foregoing, until April 1, 2016, the Executive Director may accept an application which lacks the required fingerprint impressions or handwriting exemplar provided that the applicant supplies the missing material within thirty days of Commission's receipt of the application.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed "shall deem filed" to "shall be deemed filed" in (a) pursuant to 1 CMC § 3806(g).

#### **§ 175-10.1-410 Processing.**

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Upon a determination that all prerequisites for filing have been met, the Executive Director, or such members of the Commission staff as the Executive Director shall designate may:

- (a) Accept the application for filing and cause same to be docketed by the Executive Director.
- (b) Notify the applicant or his attorney, if any, in writing, of the fact that the application has been accepted for filing and docketed, the date of such acceptance for filing and the docket number thereof. The Executive Director shall also give notice that such acceptance and docketing shall constitute no evidence whatsoever that any requirement of the act or the regulations of the Commission have been satisfied.
- (c) Direct the staffs of the Commission to analyze, obtain, and evaluate such information of either a factual nature or otherwise as may be necessary to determine the qualifications of the applicant and any other matter relating to the application.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-415 Public Inspection of Information.**

No information in the possession of the Commission relating to any application shall be made available for public inspection prior to the time that the said application shall be accepted for filing and docketed in accordance with the rules and regulations. Thereafter, the Commission may release information to the public on its own initiative or upon proper request as may be required by law.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-420 Amendment.**

It shall be the duty of each applicant to promptly file with the Commission, or such members of the Commission staff as the Executive Director shall designate, a written amendment to the application explaining any changed facts or circumstances whenever any material or significant change of facts or circumstances shall occur with respect to any matter set forth in the application or other papers relating thereto. Any applicant may be permitted by the Executive Director or designee to file any other amendment to the application at any time prior to final action made by the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-425 Withdrawal.**

- (a) Except as otherwise provided in subsection (b), a written notice of withdrawal of application may be filed by any applicant at any time prior to final Commission action. No application shall be permitted to be withdrawn, however, unless the applicant shall have first established to the satisfaction of the Commission that withdrawal of the application would be

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consistent with the public interest and the policies of the Act. Unless the Commission shall otherwise direct, no fee or other payment relating to any application shall become refundable in whole or in part by reason of withdrawal of the application. The Commission shall not direct the refunding, in whole or in part, of any fee or other payment relating to any application unless the Commission determines that the refunding of the fee is in the best interest of the Commonwealth.

(b) Where a hearing on an application has been requested by a party or directed by the Commission, the Commission shall not permit withdrawal of said application after:

- (1) The application matter has been assigned to any other hearing examiner authorized by law or these regulations to hear such matter; or
- (2) The Commission has made a determination to hear the application matter directly.

(c) Notwithstanding the foregoing, the Commission may accept and consider written notice of withdrawal after the time specified herein if extraordinary circumstances so warrant.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-430 Reapplication by Natural Person after Denial or Revocation.**

(a) Any natural person required to be licensed, qualified, registered, or approved under the provisions of the Act or regulations of the Commission whose licensure, qualifications, registration, or approval is either denied or revoked by the Commission on the basis of that person's failure to satisfy the affirmative qualification criteria, or due to a Commission finding that such person is disqualified under the criteria, or both, may reapply for licensure, qualification, registration, or approval provided the applicant complies with the requirements of subsection (b).

(b) Any natural person whose licensure, qualification, registration, or approval is denied or revoked by the Commission on the basis of any of the following enumerated provisions of the Act or regulations of the Commission may reapply, in accordance with the procedure set forth in subsection (c), for licensure, qualification, registration, or approval upon satisfaction of the conditions specified herein:

- (1) Lack of financial stability: reapplication is permitted upon said person achieving status of financial stability;
- (2) Lack of business ability and casino experience: reapplication is permitted upon said person acquiring the requisite business ability and casino experience;
- (3) Failure to satisfy age requirement: reapplication is permitted upon said person attaining the requisite age or upon a Commission finding that such age will be attained prior to the completion of the processing of said reapplication;
- (4) Conviction of statutory disqualifier or inimical offenses: reapplication is permitted after the lapsed of five years from the date of denial or upon the issuance of a judicial order of expungement, whichever occurs first;
- (5) Prosecution or pending charges related to statutory disqualifier: reapplication is permitted upon the disposition of the prosecution or pending charges against such person.

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(c) If the licensure, qualification, registration, or approval of any natural person has been denied or revoked on the basis of two or more statutory or regulatory provisions, reapplication shall only be permitted upon compliance with the requirements of this regulation as to each statutory or regulatory provision which the Commission found to be a basis for such denial or revocation.

(d) This regulation applies with equal force and effect to the denial of any application by a natural person for licensure, qualifications, or approval, and to any denial of any reapplication for licensure, qualification, registration, or approval permitted under the provisions of this regulation.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 500 - ACCOUNTING REGULATIONS**

#### **§ 175-10.1-501 Commission Divisions.**

The Commission shall organize and maintain a Division of Administration, a Division of Enforcement & Investigations, a Division of Audit, and a Division of Compliance.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-505 Commission Audit Procedures.**

(a) The Division of Audit and the Division of Compliance will have the authority, among other tasks assigned by the Executive Director to:

- (1) Conduct periodic audits or reviews of the books and records of licensees on an as-needed basis, in the discretion of the Executive Director;
- (2) Review the accounting methods and procedures used by licensees;
- (3) Review and observe methods and procedures used by licensees to count and handle cash, chips, tokens, negotiable instruments, and credit instruments;
- (4) Examine the licensees' records and procedures in extending credit, and to confirm with gaming patrons the existence of an amount of debt and any settlement thereof;
- (5) Examine and review licensees' internal control procedures;
- (6) Examine all accounting and bookkeeping records and ledger accounts of the licensee or a person controlling, controlled by, or under common control with the licensee;
- (7) Examine the books and records of any licensee when conditions indicate the need for such action or upon the request of the Chairman or the Commission; and
- (8) Investigate each licensee's compliance with the Act and the regulations of the Commission.



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(b) The Division of Audit and the Division of Compliance shall at the request of the Executive Director conduct each audit in conformity with the statements on auditing standards. The divisions of Audit and Compliance shall prepare an appropriate report at the conclusion of each audit and shall submit a copy of the report to the Commission.

(c) At the conclusion of each audit or review, the divisions of Audit and Compliance or other applicable division shall confer with and go over the results of the audit or review with the licensee. The licensee may, within ten days of the conference, submit written reasons why the results of the audit or review should not be accepted. The Commission shall consider the submission prior to its determination.

(d) When the divisions of Audit and Compliance or any other division finds that the licensee is required to pay additional fees or taxes or finds that the licensee is entitled to a refund of fees or taxes, it shall report its findings, and the legal basis upon which the findings are made, to the Commission and to the licensee in sufficient detail to enable the Commission to determine if an assessment or refund is required.

(e) Ordinarily, the casino gaming licensee will not pay the costs of the audit. If the Executive Director determines that the audit will require excessive costs, such excessive costs shall be paid by the casino gaming licensee. If the audit reveals and the Executive Director determines that amounts were deliberately misreported, underreported, or mischaracterized, the casino gaming licensee shall, in addition to any penalty which may be imposed, pay the costs of the audit and investigation.

(f) The Commission may require that a casino service provider pay the costs of the audit.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-510 Procedure for Reporting and Paying Gaming Taxes and Fees.**

(a) Unless the Commission establishes another procedure, taxes and fees which are to be paid to the Treasurer, and all reports relating thereto which are required under the Act and the regulations must be received by the Commonwealth Treasurer with an original receipt provided to the Commission not later than the due date specified by law or regulation, except that the taxes and reports shall be deemed to be timely filed if the casino gaming licensee or casino service provider demonstrates to the satisfaction of the Commission that they were deposited in a United States post office or mailbox, with first-class postage prepaid, and properly addressed to the Commonwealth Treasurer, within the time allowed for payment of the taxes. The original receipt must be promptly forwarded to the Commission.

(b) Unless the Commission establishes another procedure, fees which are to be paid to the Commission and all reports relating thereto must be received by the Commission not later than the due date specified by law or regulation, except that the fees and reports shall be deemed to be timely filed if the casino gaming licensee or casino service provider demonstrates to the satisfaction of the Commission that they were deposited in a United States post office or

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mailbox, with first-class postage prepaid, and properly addressed to the Commission, as the case may be, within the time allowed for payment of the taxes.

(c) The casino gaming licensee or casino service provider licensee may elect to report and pay its fees, and file all reports relating thereto, via check or pursuant to an electronic transfer procedure approved by the Commission.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-515 Accounting Records.

(a) The casino gaming licensee, and each other licensee, in such manner as the Chairman may approve or require, shall keep accurate, complete, legible, and permanent records of all transactions pertaining to revenue that is taxable or subject to fees under the Commonwealth Code and these regulations. Each licensee that keeps permanent records in a computerized or microfiche fashion shall provide the divisions of Audit and Compliance, or the Department of Finance's applicable tax and license division, upon request, with a detailed index to the microfiche or computer record that is indexed by department and date.

(b) The casino gaming licensee shall keep general accounting records on a double entry system of accounting, maintaining detailed, supporting, subsidiary records, including:

(1) Detailed records identifying all revenues, all expenses, all assets, all liabilities, and equity for each establishment;

(2) Detailed records of all markers, IOU's, returned checks, hold checks, or other similar credit instruments accepted by the licensee;

(3) Individual and statistical game records to reflect statistical drop, statistical win, and the percentage of statistical win to statistical drop by table for each table game, and to reflect statistical drop, statistical win, and the percentage of statistical win to statistical drop for each type of table game, either by each shift or other accounting period approved by the Commission, and individual and statistical game records reflecting similar information for all other games;

(4) Slot analysis reports which, by each machine, compare actual hold percentages to theoretical hold percentages;

(5) Journal entries prepared by the licensee and its independent accountant;

(6) All information pertaining to any promotional, discount, or VIP service type programs;

(7) All information pertaining to any junket or junket-type operators or programs including, but not limited to all contracts and agreements of any kind, all money schedules, settlement sheets, and reports or written communications of any kind between the licensee and any junket operator, junket player or junket patron of any type; and

(8) Any other records that the Commission specifically requires to be maintained.

(c) The casino gaming licensee shall create and maintain records sufficient to accurately reflect gross income and expenses relating to its operations which are subject of these regulations. Every other licensee shall create and maintain records sufficient to accurately reflect gross income and expenses relating to its operations which are subject of these regulations.

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(d) If the casino gaming licensee fails to keep the records used by it to calculate gross gaming revenue, the Commission may compute and determine the amount of taxable revenue upon the basis of an audit conducted by the divisions of Audit and Compliance, or any other division, upon the basis of any information within the Commission's possession, or upon statistical analysis.

(e) Casino employee or casino key employee licensees must maintain such revenue and tax records as the Commission requires be maintained, in addition to any records required by the Department of Finance.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-520 Online Slot Metering Systems.

The casino gaming licensee shall install and thereafter maintain an automated or online slot metering system meeting the specifications determined by the Commission, as applicable to its operation, unless a specification is waived by the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-525 Records of Ownership.

(a) Each corporate licensee or corporate owner of a casino gaming licensee shall keep on the premises of the casino gaming licensee, or shall provide to the divisions of Audit and Compliance, the Division of Enforcement & Investigations, or the Division of Administration, upon request, the following documents pertaining to the corporation:

- (1) A certified copy of the articles of incorporation and any amendments;
- (2) A copy of the bylaws and any amendments;
- (3) A copy of the license issued by the Commonwealth Secretary of Finance authorizing the corporation to transact business in the Commonwealth;
- (4) A list of all current and former officers and directors;
- (5) Minutes of all meetings of the stockholders which pertain to the casino gaming licensee;
- (6) Minutes of all meetings of the directors which pertain to the casino gaming licensee;
- (7) A list of all stockholders listing each stockholder's name, address, the number of shares held, and the date the shares were acquired;
- (8) The stock certificate ledger;
- (9) A record of all transfers of the corporation's stock; and
- (10) A record of amounts paid to the corporation for issuance of stock and other capital contributions.

(b) Each partnership licensee shall keep on the premises of its gaming establishment, or provide to the divisions of Audit and Compliance, the Division of Enforcement &

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Investigations, or the Division of Administration, upon request, the following documents pertaining to the partnership:

- (1) A copy of the partnership agreement and, if applicable, the certificate of limited partnership;
- (2) A list of the partners, including their names, addresses, the percentage of interest held by each, the amount and date of each capital contribution of each partner, the date the interest was acquired, and the salary paid by the partnership; and
- (3) A record of all withdrawals of partnership funds or assets.

(c) Each casino gaming licensee which is a LLC licensee shall keep on the premises of its establishment, or shall provide to the divisions of Audit and Compliance, the Division of Enforcement & Investigations, or the Division of Administration, upon request, the following documents pertaining to the LLC:

- (1) A certified copy of the articles of organization and any amendments;
- (2) A copy of the operating agreement and any amendments;
- (3) A copy of the license issued by the Commonwealth Secretary of Commerce authorizing the LLC to transact business in the Commonwealth;
- (4) A list of all current and former Members and Managers;
- (5) Minutes of all meetings of the Members;
- (6) Minutes of all meetings of the LLC;
- (7) A list of all persons with any distributional interest in the LLC listing each person's name, address, the percentage of distributional interest owned or controlled by the person, and the date the interest was acquired;
- (8) The stock certificate ledger;
- (9) A record of all transfers of any beneficial interest in the LLC; and
- (10) A record of amounts paid to the LLC as capital contributions.

(d) The operating agreement of any limited liability company which has been granted a casino gaming license must be in writing and shall include any language required by the Commonwealth Casino Commission by order as well as language substantially as follows:

- (1) Notwithstanding anything to the contrary expressed or implied in the articles or this agreement, the sale, assignment, transfer, pledge, or other disposition of any interest in the limited liability company is ineffective unless approved in advance by the Commonwealth Casino Commission. If at any time the Commission finds that a member which owns any such interest is unsuitable to hold that interest, the Commission shall immediately notify the limited liability company of that fact. The limited liability company shall, within ten days from the date that it receives the notice from the Commission, return to the unsuitable member the amount of his capital account as reflected on the books of the limited liability company. Beginning on the date when the Commission serves notice of a determination of unsuitability, pursuant to the preceding sentence, upon the limited liability company, it is unlawful for the unsuitable member: (A) To receive any share of the distribution of profits or cash or any other property of, or payments upon dissolution of, the limited liability company, other than a return of capital as required above; (B) To exercise directly or through a trustee or nominee, any voting right conferred by such interest; (C) To participate in the management of the business and affairs of the limited liability company; or (D) To receive any remuneration in any form from the limited liability company, for services rendered or otherwise.

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(2) Any member that is found unsuitable by the Commission shall return all evidence of any ownership in the limited liability company to the limited liability company, at which time the limited liability company shall within ten days, after the limited liability company receives notice from the Commission, return to the member in cash, the amount of his capital account as reflected on the books of the limited liability company, and the unsuitable member shall no longer have any direct or indirect interest in the limited liability company.”

Modified, 1 CMC § 3806(e)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-530 Record Retention; Noncompliance.

Each licensee shall provide the divisions of Audit and Compliance, the Division of Enforcement & Investigations, or the Division of Administration, upon request, with the records required to be maintained by these regulations. Unless the Commission approves or requires otherwise in writing, each licensee shall retain all such records within the Commonwealth for at least five years after they are made. Failure to keep and provide such records is an unsuitable method of operation.

Modified, 1 CMC § 3806(e)–(f).

### § 175-10.1-535 Audited Financial Statements: Casino Licensees.

(a) The casino gaming licensee shall prepare in such manner and using such forms as the Commission may approve or require, a financial statement covering all financial activities of the licensee’s establishments for each fiscal year. If the casino gaming licensee or a person controlling, controlled by, or under common control with the casino gaming licensee owns or operates room, food, or beverage facilities at the establishments, the financial statement must cover those operations as well as gaming operations. Each casino gaming licensee shall engage an independent certified public accountant who shall audit the licensee’s financial statements in accordance with generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants (AICPA).

(b) The Commission shall receive the statements not later than ninety days after the last day of the licensee’s business year. The Commission may share such statements with any government agency upon request. The Commission may post such statements, in whole or in part, on its website in its sole and absolute discretion.

(c) Consolidated financial statements may be filed by commonly owned or operated establishments, but the consolidated financial statements must include consolidating financial information or consolidating schedules presenting separate financial statements for each establishment. The independent accountant shall express an opinion on the consolidated financial statements as a whole and shall subject the accompanying consolidating financial information to the auditing procedures applied in the audit of the consolidated financial statements.

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(d) Each casino gaming licensee shall submit to the Commission five paper copies of its audited or reviewed financial statements and shall transmit electronically one copy.

(e) Unless the Commission approves otherwise in writing, in the event of a license termination, change in business entity, or a change in the percentage of ownership of more than 10%, the casino licensee or former casino licensee shall, not later than ninety days after the event, submit to the Commission five paper copies of audited or reviewed financial statements covering the period since the period covered by the previous financial statement and one electronic copy of the same. If a license termination, change in business entity, or a change in the percentage of ownership of more than 10% occurs within ninety days after the end of a business year for which a financial statement has not been submitted, the licensee may submit financial statements covering both the business year and the final period of business.

(f) If a licensee changes its business year, the licensee shall prepare and submit to the Commission audited or reviewed financial statements covering the “stub” period from the end of the previous business year to the beginning of the new business year not later than ninety days after the end of the stub period or incorporate the financial results of the stub period in the financial statements for the new business year.

(g) Reports that communicate the results of the audit or review, including management advisory letters or activities not related to the gaming operation, must be submitted within ninety days after the end of the licensee’s business year.

(h) The Commission may request additional information and documents from either the licensee or the licensee’s independent accountant, through the licensee, regarding the financial statements or the services performed by the accountant. Failure to submit the requested information or documents is an unsuitable method of operation.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-540 Financial Statements: Other Licensees.**

The Commission may require financial statements, audited or otherwise, from other licensees as the Commission deems appropriate.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-545 Internal Control for Casino Licensees.**

As used in this section, “licensee” means the casino gaming licensee and “Chairman” means the Chairman or other member of the Commission.

(a) The licensee shall establish administrative and accounting procedures for the purpose of determining the licensee’s liability for taxes and fees under the Commonwealth Code and these

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regulations and for the purpose of exercising effective control over the licensee's internal fiscal affairs. The procedures must be designed to reasonably ensure that:

- (1) Assets are safeguarded;
- (2) Financial records are accurate and reliable;
- (3) Transactions are performed only in accordance with management's general or specific authorization;
- (4) Transactions are recorded adequately to permit proper reporting of gaming revenue and of fees and taxes, and to maintain accountability for assets;
- (5) Access to assets is permitted only in accordance with management's specific authorization;
- (6) Recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies; and
- (7) Functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent and qualified personnel.

(b) The licensee shall describe, in such manner and as often as the Chairman may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each licensee shall submit a copy of its written system to the Commission. Each written system must include:

- (1) An organizational chart depicting each position within the company;
- (2) A description of the duties and responsibilities and procedures to be followed by each position shown on the organizational chart;
- (3) A detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of subsection (a);
- (4) A written statement signed by the licensee's chief financial officer and either the licensee's chief executive officer or a licensed owner attesting that the system satisfies the requirements of this section;
- (5) If the written system is submitted by an applicant, a letter from an independent accountant stating that the applicant's written system has been reviewed by the accountant and complies with the requirements of this section; and
- (6) Such other items as the Commission may require.

(c) The Commission may adopt and order minimum standards for internal control procedures that in the Commission's opinion satisfy subsections (a) and (b). Topics for the Commission's minimum standards for internal control may include any subject the Commission deems necessary including, but not limited to: Key Controls, Rules of the Game, Table Games, Electronic Gaming Devices, Poker Rooms, Drops and Counts, Casino Cashiering And Credit, Casino Accounting, Admissions and Ticketing, Currency Transaction Reporting, Internal Audits, Surveillance, Security, Purchasing and Contract Administration, Excluded Persons, Self-Excluded Persons, Forms, Management Information Systems (MIS), and Tips. The licensee may not implement a system of internal control procedures that does not satisfy the minimum standards.

(d) The licensee shall require the independent accountant engaged by the licensee to examine the financial statements or to review the licensee's financial statements to submit to the licensee two copies of a written report of the compliance of the procedures and written system with the

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minimum internal control standards. Using the criteria established by the Commission, the independent accountant shall report each event and procedure discovered by or brought to the accountant's attention that the accountant believes does not satisfy the minimum standards or variations from the standards that have been approved by the Commission pursuant to subsection (c) not later than ninety days after the end of the licensee's business year, the licensee shall submit a copy of the accountant's report or any other correspondence directly relating to the licensee's systems of internal control to the Commission accompanied by the licensee's statement addressing each item of noncompliance noted by the accountant and describing the corrective measures taken. Unless the Chairman approves otherwise in writing, in the event of a license termination, change in business entity, or a change in the percentage of ownership of more than 10%, the licensee or former licensee shall, not later than ninety days after the event, submit a copy of the accountant's report or any other correspondence directly relating to the licensee's systems of internal control to the Commission accompanied by the licensee's statement addressing each item of noncompliance noted by the accountant and describing the corrective measures taken covering the period since the period covered by the previous report. If a license termination, change in business entity, or a change in the percentage of ownership of more than 10% occurs within ninety days after the end of a business year for which a report has not been submitted, the licensee may submit a report covering both the business year and the final period of business.

(e) Before adding or eliminating a counter game; eliminating a table game; adding a table game; adding any computerized system that affects the proper reporting of gross revenue; adding any computerized system of betting at a race book or sports pool; or adding any computerized system for monitoring slot machines or other games, or any other computerized associated equipment, the licensee must:

- (1) Amend its accounting and administrative procedures and its written system of internal control to comply with the minimum standards;
- (2) Submit to the Commission a copy of the written system as amended, and a written description of the amendments signed by the licensee's chief financial officer and either the licensee's chief executive officer or a licensed owner;
- (3) Comply with any written requirements imposed by the Commission regarding administrative approval of computerized associated equipment; and
- (4) After subsections (e)(1)–(3) have been complied with, implement the procedures and written system as amended.

(f) The licensee shall annually report any amendments to the licensee's procedures and written system that have been made since the previous annual report. The report must include either a copy of the written system as amended or a copy of each amended page of the written system, and a written description of the amendments signed by the licensee's chief financial officer.

(g) If the Commission determines that the licensee's administrative or accounting procedures or its written system does not comply with the requirements of this section, the Commission shall so notify the licensee in writing. Within thirty days after receiving the notification, the licensee shall amend its procedures and written system accordingly, and shall



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submit a copy of the written system as amended and a description of any other remedial measures taken.

(h) The licensee shall comply with its written system of internal control submitted pursuant to subsection (b) as it relates to compliance with the minimum standards, and any required equipment approvals.

(i) Failure to comply with § 175-10.1-545 is an unsuitable method of operation.

(j) Using guidelines, checklists, and other criteria established by the Executive Director, the licensee's internal auditor shall perform observations, document examinations, and inquiries of employees to determine compliance with applicable statutes, regulations, and minimum internal control standards. Two copies of the internal auditor's report summarizing all instances of noncompliance and management responses must be submitted to the Commission within ninety days after the end of the first six months of the licensee's business year and must include all work required to be performed during that six months period along with any additional procedures that were performed. Noncompliance noted in the second half of the business year must be submitted to the Commission within ninety days after the end of the business year.

(k) The licensee shall develop an Anti-Money Laundering (AML) Compliance Program, approved by the Chairman or Executive Director, sufficient to ensure compliance with all federal anti-money laundering statutes, all other federal statutes, and all Commonwealth laws and regulations regarding the handling and transfer of money. The licensee shall develop written policies to ensure the implementation of the AML Compliance Program.

Modified, 1 CMC § 3806(d)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-550 Gross Revenue Computations.**

(a) For each table game, gross revenue equals the closing table game bankroll plus credit slips for cash, chips, tokens, or personal/payroll checks returned to the casino cage, plus drop, less opening table game bankroll, fills to the table, money transfers issued from the game through the use of a cashless wagering system.

(b) For each slot machine, gross revenue equals drop less fills to the machine and jackpot payouts. Additionally, the initial hopper load is not a fill and does not affect gross revenue. The difference between the initial hopper load and the total amount that is in the hopper at the end of the licensee's fiscal year must be adjusted accordingly as an addition to or subtraction from the drop for that year. If a casino gaming licensee does not make such adjustments, or makes inaccurate adjustments, the divisions of Audit and Compliance may compute an estimated total amount in the slot machine hoppers and may make reasonable adjustments to gross revenue during the course of an audit.

(c) For each counter game, gross revenue equals:

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- (1) The counter games write on events or games that occur during the month or will occur in subsequent months, less counter games payout during the month (“cash basis”); or
- (2) Counter games write on events or games that occur during the counter games write plus money, not previously included in gross revenue that was accepted by the licensee in previous months on events or games occurring during the month, less counter games payouts during the month (“modified accrual basis”) to patrons on winning wagers.
- (d) For each card game and any other game in which the licensee is not a party to a wager, gross revenue equals all money received by the casino gaming licensee as compensation for conducting the game.
- (e) In computing gross revenue for a slot machines, keno and bingo, the actual cost to the casino gaming licensee, its agent or employee, or a person controlling, controlled by, or under common control with the licensee, of any personal property distributed as losses to patrons may be deducted from winnings (other than costs of travel, lodging, services, food, and beverages) if the licensee maintains detailed documents supporting the deduction.
- (f) If the casino gaming licensee provides periodic payments to satisfy a payout resulting from a wager, the initial installment payment when paid and the actual cost of a payment plan approved by the Commission and funded by the licensee may be deducted from winnings. For any funding method which merely guarantees the licensee’s performance and under which the licensee makes payments directly out of cash flow (e.g., irrevocable letters of credits, surety bonds, or other similar methods), the licensee may only deduct such payments when paid to the patron.
- (g) The casino gaming licensee shall not exclude money paid out on wagers that are knowingly accepted by the licensee in violation of the Commonwealth Code or these regulations from gross revenue.
- (h) If in any month the amount of casino gross gaming revenue is less than zero dollars, the licensee may deduct the excess in the succeeding months, until the loss is fully offset against casino gross gaming revenue.
- (i) Payout receipts and wagering vouchers issued at a game or gaming device shall be deducted from gross revenue as jackpot payouts in the month the receipts or vouchers are issued by the game or gaming device. Payout receipts and wagering vouchers deducted from gross revenue that are not redeemed within sixty days of issuance shall be included in gross revenue. An unredeemed payout receipt or wagering voucher previously included in gross revenue may be deducted from gross revenue in the month redeemed. For purposes of this section, the term “slot machine” means a gaming device for which gross revenue is calculated pursuant to the method described under subsection (b). Such receipts and wagering vouchers shall be deemed expired if not redeemed on or before the expiration date printed on the payout receipt or wagering voucher or within 180 days of issuance, whichever period is less. Licensees may redeem expired receipts and wagering vouchers in their sole discretion but may not deduct amounts paid out from gross revenue.

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(j) A record of all expired payout receipts and wagering vouchers shall be created and maintained in accordance with the record keeping requirements set forth by the Commission.

(k) Any amounts paid or rebated to players or patrons in the form of comps, commissions or the like are a cost of doing business and shall not be deducted from gross revenue.

Modified, 1 CMC § 3806(a), (d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission renumbered the second subsection (j) to (k) pursuant to 1 CMC § 3806(a).

### § 175-10.1-555 Uncollected Baccarat Commissions.

(a) If the casino gaming licensee does not collect baccarat commissions due from a patron at the conclusion of play and elects to waive payment, such action must be authorized and documented in accordance with subsection (b). The uncollected baccarat commission must still be included in gross revenue computations.

(b) Concurrently with the decision to not collect the baccarat commission, the licensee must record, in such manner and using such preprinted, pre-numbered forms as the Commission has approved:

- (1) Date, shift, and time the licensee determined to not collect the baccarat commission;
- (2) The amount of the baccarat commission not collected;
- (3) The baccarat table number;
- (4) Patron name, if known;
- (5) The dealer's signature; and
- (6) A baccarat supervisor's signature.

(c) Such forms shall be sent to the accounting department at least every twenty-four hours and reconciled numerically to account for all forms. A form may be used to record more than one transaction; however each transaction must indicate all of the above required signatures. Descriptions of the forms and procedures utilized must be included in the licensee's submitted system of internal control.

(d) An uncollected baccarat commission that is not waived in accordance with this regulation shall be documented by a credit instrument that clearly indicates it represents an uncollected baccarat commission, and that conforms to all documentation and procedural requirements of the licensee's submitted system of internal control.

(f) Failure to comply with these regulations is an unsuitable method of operation.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-560 Minimum Bankroll Requirements.

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- (a) The Commission may adopt or revise a bankroll formula that specifies the minimum bankroll requirements applicable to the casino gaming licensee, along with instructions for computing available bankroll. The formula adopted by the Commission may require the licensee to maintain a number of days of cash on hand, utilize a debt-to-service ratio, or utilize any other ratio the Commission deems fit.
- (b) The casino gaming licensee shall maintain in accordance with the bankroll formula adopted by the Commission pursuant to the requirements of this section, cash or cash equivalents in an amount sufficient to reasonably protect the licensee's patrons against defaults in gaming debts owed by the licensee. If at any time the licensee's available cash or cash equivalents should be less than the amount required by this section, the licensee shall immediately notify the Commission of this deficiency and shall also detail the means by which the licensee shall comply with the minimum bankroll requirements. Failure to maintain the minimum bankroll required by this section or failure to notify the Commission as required by this section, is an unsuitable method of operation.
- (c) Records reflecting accurate, monthly computations of bankroll requirements and actual bankroll available shall be maintained by the casino gaming licensee, and mailed to the Commission monthly.
- (d) The casino licensee shall maintain an unencumbered irrevocable letter of credit from a financial institution acceptable to the Commission in the amount of fifteen million dollars, or some other higher amount required by the Commission, to ensure payment to winning players.
- (e) The casino licensee shall not accept any wager for which it does not have funds readily available to pay.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-565 Treatment of Credit for Purposes of Computing Gross Revenue.

- (a) The casino gaming licensee shall:
- (1) Document, prior to extending gaming credit, that it:
    - (i) Has received information from a bona fide credit-reporting agency that the patron has an established credit history that is not entirely derogatory; or
    - (ii) Has received information from a legal business that has extended credit to the patron that the patron has an established credit history that is not entirely derogatory; or
    - (iii) Has received information from a financial institution at which the patron maintains an account that the patron has an established credit history that is not entirely derogatory; or
  - (iv) Has examined records of its previous credit transactions with the patron showing that the patron has paid substantially all of his credit instruments and otherwise documents that it has a reasonable basis for placing the amount or sum placed at the patron's disposal; or

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(v) Was informed by another licensee that extended gaming credit to the patron that the patron has previously paid substantially all of the debt to the other licensee and the licensee otherwise documents that it has a reasonable basis for placing the amount or sum placed at the patron's disposal; or

(vi) If no credit information was available from any of the sources listed in subsections(a)(1)(i)–(v) for a patron who is not a resident of the United States, the licensee has received, in writing, information from an agent or employee of the licensee who has personal knowledge of the patron's credit reputation or financial resources that there is a reasonable basis for extending credit in the amount or sum placed at the patron's disposal;

(vii) In the case of personal checks, has examined and has recorded the patron's valid driver's license or, if a driver's license cannot be obtained, some other document normally acceptable as a means of identification when cashing checks, and has recorded a bank check guarantee card number or credit card number or has documented one of the credit checks set forth in subsections (a)(1)(i)–(vi);

(viii) In the case of third party checks for which cash, chips, or tokens have been issued to the patron or which were accepted in payment of another credit instrument, has examined and has recorded the patron's valid driver's license, or if a driver's license cannot be obtained, some other document normally acceptable as a means of identification when cashing checks and has, for the check's maker or drawer, performed and documented one of the credit checks set forth in subsections (a)(1)(i)–(vi);

(ix) In the case of guaranteed drafts, has complied with the issuance and acceptance procedures promulgated by the issuer.

(2) Ensure that the patron to whom the credit is extended either signs the credit instrument when credit is extended;

(3) Obtain and record the patron's address before extending the credit.

(b) The casino gaming licensee shall, after extending credit, document that it has attempted to collect payment from the patron at least once on or before the ninetieth day from the issuance of credit and thereafter once every thirty days until it is collected.

(c) The casino gaming licensee shall furnish the credit instrument to the Commission within thirty days after the Commission's request, unless the licensee has independent, written, and reliable verification that the credit instrument is in the possession of a court, governmental agency, or financial institution; has been returned to the patron upon partial payment of the instrument; has been returned to the patron upon the licensee's good faith belief that it had entered into a valid settlement and the licensee provides a copy of the original credit instrument and a document created contemporaneously with the settlement that contains the information required by this section; has been stolen and the licensee has made a written report of the theft to an appropriate law enforcement agency, other than the Commission having jurisdiction to investigate the theft; or the Chairman waives the requirements of the subsection because the credit instrument cannot be produced because of any other circumstances beyond the licensee's control.

(1) Theft reports made pursuant to subsection (c) must be made within thirty days of the licensee's discovery of the theft and must include general information about the alleged crime, the amount of financial loss sustained, the date of the alleged theft, and the names of employees or agents of the licensee who may be contacted for further information. The licensee shall

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furnish to the divisions of Audit and Compliance a copy of theft reports made pursuant to this paragraph within thirty days of its request.

(2) If the licensee has returned a credit instrument upon partial payment, consolidation, or redemption of the debt, it shall issue a new “substituted” credit instrument in place of the original and shall furnish the substituted credit instrument to the Commission within thirty days of its request, unless the licensee has independent, written, and reliable verification that the substituted credit instrument cannot be produced because it is in the possession of a court, governmental agency, or financial institution; has been stolen and the licensee has made a written report of the theft to an appropriate law enforcement agency, other than the Commission, having jurisdiction to investigate the theft; or the Commission waives the requirements of subsection (c)(2) because the substituted credit instrument cannot be produced because of any other circumstances beyond the licensee’s control.

(d) The casino gaming licensee shall submit a written report of a forgery, if any, of the patron’s signature on the instrument to an appropriate law enforcement agency, other than the Commission, having jurisdiction to investigate the forgery. The report must include general information about the alleged crime, the amount of financial loss sustained, the date of the alleged forgery, and identification of employees or agents of the licensee who may be contacted for further information. The licensee shall furnish a copy of forgery reports made pursuant to this paragraph to the divisions of Audit and Compliance and the Division of Enforcement & Investigations within thirty days of its request.

(e) The casino gaming licensee shall permit the Commission within thirty days of its request to confirm in writing with the patron the existence of the debt, the amount of the original credit instrument, and the unpaid balance, if any.

(f) The casino gaming licensee shall retain all documents showing, and otherwise make detailed records of, compliance with this subsection, and furnish them to the Divisions of Audit and Compliance within thirty days after its request.

(g) The casino gaming licensee shall include in gross revenue all or any portion of any paid balance on any credit instrument.

(h) The casino gaming licensee shall include in gross revenue all of an unpaid balance on any credit instrument unless the Commission determines that, with respect to that credit instrument, the licensee has complied with the requirements of this part and these regulations and that the public interest will be served if the unpaid balance is not included in gross revenue.

Modified, 1 CMC § 3806(a), (d)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission renumbered the first (d) to (c) pursuant to 1 CMC § 3806(a). The Commission substituted “subsection (c)” for “this paragraph” in (c)(1) and “subsection (c)(2)” for “this subparagraph” in (c)(2) pursuant to 1 CMC § 3806(d).

### **§ 175-10.1-570 Handling of Cash.**

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Each gaming employee, owner, or licensee who receives currency of the United States (other than permitted tips or gratuities) from a patron in the gaming area of a gaming establishment shall promptly place the currency in the locked box in the table or, in the case of a cashier, in the appropriate place in the cashier's cage, or on those games which do not have a locked box or on card game tables, in an appropriate place on the table, in the cash register, or other repository approved by the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-575 Mandatory Count Procedure.

(a) The casino gaming licensee shall report annually to the Commission, on or before July 1st, the time or times when drop boxes will be removed and the times the contents will be counted. All drop boxes must be removed and counted at the time or times previously designated to the Commission. Removal and counting of drop box contents at other than the designated times is prohibited unless the licensee provides twenty-four hours advance written notice to the Commission of a change in times or the Commission requires a change of authorized times.

(b) On the tenth of each month, the casino gaming licensee shall submit to the Commission a list of employees authorized to participate in the count and those employees who are authorized to be in the count room during the count ("count personnel list") for the remainder of the month and for the first ten days of the next month. The count personnel list shall indicate those persons, if any, who hold an interest in the casino gaming license and shall indicate what relationship by blood or marriage, if any, exists between any person on such list or any interest holder or employee of the gaming establishment. The count personnel list shall also indicate the license number of each count employee and the job position held by each count employee. No person who is not properly identified on the count personnel list shall be allowed to participate in the count or be in the count room during the count without Commission approval.

(e) Any person other than a Commission member or Commission employee who accesses the count room shall record their name, Commission-issued license number, and the date and time of their ingress and egress on a Count Room Ingress/Egress Log immediately upon ingress and immediately prior to egress.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-580 Petitions for Redetermination; Procedures.

(a) A licensee filing a petition for redetermination with the Commission shall serve a copy of the petition on the Executive Director, the Secretary of Finance and the Attorney General, and pay the petition fee listed in § 175-10.1-1225(e)(2).

(b) A licensee shall, within thirty days after the petition is filed:

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- (1) Pay all taxes, fees, penalties, or interest not disputed in the petition, and submit a schedule to the divisions of Audit and Compliance that contains its calculation of the interest due on non-disputed assessments;
  - (2) File with the Commission a memorandum of points and authorities in support of a redetermination, and serve a copy of the memorandum on the Executive Director, the Secretary of Finance and the Attorney General; and
  - (3) File with the Commission a certification that it has complied with the requirements of subsections (a) and (b).
- (c) The Executive Director shall, within thirty days after service of the licensee's memorandum, file a memorandum of points and authorities in opposition to the licensee's petition and shall serve a copy on the licensee. The licensee may, within fifteen days after service of the Executive Director's memorandum, file a reply memorandum.
- (d) The Executive Director and the licensee may stipulate to extend the time periods specified in this section if their stipulation to that effect is filed with the Commission before the expiration of the pertinent time period. The Commission may extend the time periods specified in this section upon motion and for good cause shown.
- (e) The Commission may, at its discretion, deny a petition for redetermination if the licensee fails to comply with the requirements of this section or these regulations.

Modified, 1 CMC § 3806(d)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-585 Claims for Refunds; Procedures.

- (a) A licensee filing a claim for refund with the Commission shall serve a copy of the claim on the Executive Director, the Secretary of Finance and the Attorney General.
- (b) A licensee shall, within thirty days after the claim is filed, file with the Commission a memorandum of points and authorities in support of the claim, setting forth the legal basis and the licensee's calculations of the amount of the refund and any interest due thereon, and serve a copy of the memorandum on the Executive Director, the Secretary of Finance and the Attorney General, and file with the Commission a certification that it has complied with the requirements of this paragraph.
- (c) The Executive Director shall, within thirty days after service of the licensee's memorandum, file a memorandum of points and authorities in opposition to the licensee's claim and shall serve a copy on the licensee. The licensee may, within fifteen days after service of the Executive Director's memorandum, file a reply memorandum.
- (d) The Executive Director and the licensee may stipulate to extend the time periods specified in this section if their stipulation to that effect is filed with the Commission before the expiration of the pertinent time period. The Commission may extend the time periods specified in this section upon motion and for good cause shown.



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Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-590 Compliance Committee.

(a) The licensee shall develop and maintain a Compliance Committee to ensure compliance with the Bank Secrecy Act (BSA), all applicable Internal Revenue Service laws and policies, all federal and Commonwealth laws and regulations, the Minimum Internal Control Standards, and the licensee's Internal Controls. The Compliance Committee shall report to the Chief Executive Officer of the licensee.

(b) The Committee must have at least one independent person, acceptable to the Commission, not employed by the Company, (but who may be a paid outside consultant to the Company), who must have knowledge of applicable gaming laws and regulations. Notwithstanding the non-employee status of the independent member(s), the Executive Director may require the independent member(s) to secure licensure as if they were casino key employees or vendors.

(c) The Committee shall report to the Commission the finding of any violation of any applicable law, regulation, or internal control standard as well as the action recommended by the Committee and action taken by the licensee to correct the violation.

Modified, 1 CMC § 3806(e)-(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-595 Additional Documents for Ongoing Financial Suitability.

(a) As part of the Commission's process to monitor the ongoing financial suitability of the Casino Gaming Licensee, the Commission requires that the Casino Gaming Licensee submit to the Commission, on an annual basis, a Projected Cashflow Statement and an Operational Budget Schedule within 30 days before the beginning of the projected calendar year. Furthermore, the Commission requires that the Casino Gaming Licensee submit to the Commission, within 30 days after each calendar quarter, updated reports comparing the projected amounts to the actual amounts for the prior quarter(s) of the projected year and provide explanations for any variances between the projected and actual amounts of greater than + or - twenty-five percent (25%).

(b) On the tenth of each month, the Casino Gaming Licensee shall submit to the Commission all monthly capital investment expenditures with supporting documentations to satisfy the two billion dollar minimum initial investment requirement as mandated by 4 CMC § 2306(e).

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2017); Adopted 40 Com. Reg. 40566 (Feb. 28, 2018); Proposed 39 Com. Reg. 40308 (Oct. 28, 2017).

## Part 600 - CASINO LICENSE

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### § 175-10.1-601 Commission Authority over the Casino License.

The Commission has the authority for the approval of all casino operations and gaming activities conducted under the casino license granted by the Lottery Commission including, but not limited to the establishment of gaming rules and regulations. The authority of the Commission includes the ability to suspend or revoke the casino license for violation of the regulations or the Act.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-605 Term of the Casino License.

(a) The casino license is valid for an initial term of twenty-five years starting on the license issuance date of August 12, 2014 and ending at 11:59 p.m. on August 11, 2039.

(b) The casino licensee has an option to extend the initial term for an additional consecutive period of fifteen years prior to the expiration of the initial term.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-610 Annual License Fee.

(a) The annual license fee for the casino license shall be fifteen million dollars.

(b) The annual license fee shall be paid every year to the Commonwealth Treasurer each August 12<sup>th</sup> for the entire term of the casino license, except for any pre-payments of the annual license fee for any particular year as required by law or other agreement, in which case payment for such particular year will not be required.

(c) The annual license fee amount shall be adjusted every five years based on the cumulative change in the consumer price index announced by the Commonwealth Department of Commerce for the island of Saipan since the license issuance date.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-615 Pre-payments of Annual License Fee.

(a) Pursuant to Public Law 18-56, the licensee has prepaid thirty million dollars of the annual license fees reflecting payments of year one and prepayment of year five of the license term.

(b) Licensee shall pay five million dollars of the annual license fee for the second year within fifteen days after the Commission authorizes the temporary live training facility and the

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remaining ten million dollars of the annual license fee for the second year within fifteen days of the execution of the public land lease between the Department of Public Lands and licensee for the area commonly known as the Samoan Housing in Garapan for construction of the initial gaming facility referred to in § 175-10.1-635. Both payments shall be made prior to August 12, 2015 and shall comprise full payment for the second year of the annual license fee.

(c) Additionally, the licensee agrees to make a pre-payment of the annual license fee for the eighth year of the license term, being a minimum of fifteen million dollars within sixty days from the opening of the initial gaming facility referred to in § 175-10.1-635.

(d) In every case of pre-payment of the annual license fee for any particular year, there will be no requirement for payment of the annual license fee for such particular year except for any adjustment based on the change in the consumer price index referred to in § 175-10.1-610(c).

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-620 Licensee Assurances.**

(a) The award of the casino license to Imperial Pacific International (CNMI) LLC as a licensee was based on the information and assurances provided by the licensee in: (1) the casino resort developer application that was submitted by the licensee in April 2014; (2) the subsequent business plan that was submitted in May 2014 (“Business Plan”), and information provided to Commonwealth Consultants (collectively “Licensee Proposal and Assurances”). The Commonwealth has relied on the accuracy and trustworthiness of the Licensee Proposal and assurances in the awarding of the casino license and they were incorporated as a material element of the casino license agreement.

(b) All of the terms, promises and assurances provided in the Licensee Proposal and assurances are binding on Imperial Pacific International (CNMI) LLC, as the casino gaming licensee. These terms, promises and assurances include, but are not limited to the following specific proposed new construction development requirements:

- (1) 2,004 hotel guest rooms;
- (2) 17,000 square meters of total gaming floor area;
- (3) 13,532 square meters of food and beverage outlets (at least 23 outlets);
- (4) 15,000 square meters of retail space;
- (5) 600 seat theatre;
- (6) 9,094 square meters of meeting space including ballroom;
- (7) Wedding chapel;
- (8) 200 villas;
- (9) 1,050 square meters of fitness area;
- (10) \$100,000,000 themed entertainment facility; and
- (11) 1,900 square meters of spa facility,

(collectively “Licensee Development Proposal Requirements” or “Proposal Requirements”).

(c) The casino gaming licensee is solely responsible for obtaining all required government

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approvals, permits and licenses required to honor its obligation to construct the Proposal Requirements.

(d) Nothing in this Part prohibits the casino gaming licensee from developing beyond the requirements of the licensee development proposal requirements (“Licensee Additions”).

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-625 Development Sites.

(a) The casino gaming licensee is authorized to use up to a total of three development sites to obtain the required land necessary for the full development of the initial gaming site, licensee development proposal requirements, and any licensee additions.

(b) All gaming activities authorized under the casino license are strictly limited to the approved development sites and the Temporary Facility referred to in Part 800.

(c) All development at these three development sites is to be done in a manner that balances the need for protection of island culture environment and the need for economic development. Development shall be done in a manner that preserves, enhances, and is consistent with maintaining a serene island culture environment.

(d) The term development site is defined as a single parcel of property or a grouping of adjoining connected parcels that presents a unified uninterrupted parcel that is under the control of the licensee. Individual parcels controlled by the licensee that are separated only by a public right of way shall be considered as a single development site.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-630 Integrated Resort (Phase One).

(a) The casino licensee shall build an integrated resort as Phase one (“Phase-One”) of the licensee development proposal requirements. For purposes of this license agreement, the term “Integrated Resort” is defined as a large commercial endeavor in which multiple functions of: accommodations, entertainment, retail, service providers, and casino facilities are integrated at a single development site. The total area where actual gaming takes place shall be no more than 20% of the gross floor area of the integrated resort.

(b) All structures and associated elements of the integrated resort required herein are to be of a uniformly high luxury standard. All guest rooms shall be of similar quality as established by Triple AAA lodging criteria standards for four or five star developments, with associated guest services of similar quality.

Modified, 1 CMC § 3806(e)–(f).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-635 Initial Gaming Facility.

- (a) The casino licensee shall construct or refurbish an initial gaming facility which is a structure with guest rooms and services of five star quality.
- (b) The initial gaming facility shall have a minimum of 250 rooms.
- (c) The structures associated with the initial gaming facility shall be considered as one of the allowed development sites referred to in § 175-10.1-625.
- (d) The initial gaming facility must be fully constructed and operations must begin no later than August 31, 2018.

Modified, 1 CMC § 3806(e)–(g).

History: Amdts Adopted 40 Com. Reg. 40560 (Jan. 28, 2018); Amdts Proposed 39 Com. Reg. 39755 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-640 Development Requirements (Phase One).

- (a) Phase One shall result in the establishment of a fully functional integrated resort and include at a minimum the following elements and associated support components at a single development site:
  - (1) An 800 room four or five star luxury hotel;
  - (2) A \$100,000,000 themed entertainment facility with amphitheater;
  - (3) 5,372 square meters of food and beverage outlets;
  - (4) 2,500 square meters of meeting space (including indoor seating space for 600 persons);
  - (5) 5,000 square meters of retail shops;
  - (6) Wedding chapel;
  - (7) 500 square meter spa/fitness area;
  - (8) 10,000 square meters of gaming area (which includes back-of-house areas); and
  - (9) Associated parking, site improvements, landscaping, furnishings, fixtures, utilities and infrastructure.
- (b) The casino licensee shall complete Phase One within thirty-six months of land acquisition but not later than January 12, 2018.
- (c) Phase One must include the construction of a one hundred million dollar themed entertainment facility which may include show elements. The themed facility shall be an integral part of the unifying design of Phase One which shall be reflected throughout the integrated resort. The themed facility shall provide family entertainment that complements the proposed integrated resort as an iconic development. The themed facility shall reflect the high end luxury style required in Phase One of the integrated resort.

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(d) Failing to complete Phase One when required is an unsuitable method of operation. The Commission may take into account force majeure conditions outside the casino gaming licensee's control.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-645 Development Proposal Requirements (Phase Two).

(a) All the components of the licensee development proposal requirements that were not completed in phase one shall be completed by August 12, 2022.

(b) Failing to complete phase two when required is an unsuitable method of operation. The Commission may take into account force majeure conditions outside the casino gaming licensee's control.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-650 Liquidated Damages.

(a) The casino gaming licensee will pay a liquidated damage charge of one hundred thousand dollars per calendar day for any delay in achieving completion of Phase One or Phase Two of the project.

(b) The casino licensee shall pay all assessed liquidated damages within ten business days of imposition and receipt of notice from the Commonwealth.

(c) The casino licensee agrees that the liquidated damages are not fines or penalties.

(d) Failing to complete either Phase as required by the license agreement and these regulations is an unsuitable method of operation; failing to pay any liquidated damage when due is an unsuitable method of operation. The Commission may take into account force majeure conditions outside the casino gaming licensee's control.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-655 Local Training and Hiring Requirement.

(a) The casino gaming licensee shall promote training and hiring of permanent United States residents in a proactive endeavor to achieve an objective of having citizens of the United States and permanent United States residents comprise at least 65% of all employees (“Resident Employment Objective”).

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- (b) In furtherance of this requirement, the casino gaming licensee shall work with the Commonwealth Department of Labor to develop an annual plan (“Annual Plan”) evaluating: employment needs, local condition and challenges, current residency status of employees, and the provision of a proactive plan to achieve the resident employment objective.
- (c) This plan to achieve the resident employment objective shall include the funding by the casino gaming licensee of necessary training through local educational and trade institutions to provide required skills.
- (d) The casino gaming licensee will provide quarterly reports to the Commission and the Department of Labor on progress in meeting the resident employment objective.
- (e) Failing to file a report when due is an unsuitable method of operation.
- (f) Failing to abide by the annual plan is an unsuitable method of operation.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-660 Community Benefit Fund.

- (a) Within sixty days of commencing construction work on the first hotel in the integrated resort, the licensee shall contribute twenty million dollars towards its community benefits programs to benefit: education, scholarships, public infrastructure, health care, and government employee retirement benefits, as may be determined in consultation with the Governor.
- (b) Thereafter, upon the first full year of operation of the casino gaming licensee’s first hotel in the integrated resort, licensee shall annually contribute twenty million dollars to be used for community benefit programs to benefit: education, scholarships, public infrastructure, health care, and government employee retirement benefits, as may be determined in consultation with the Governor.
- (c) All funds contributed by the casino gaming licensee to the community benefit contribution shall remain under the possession and control of the casino gaming licensee until distributed to selected programs or recipients.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-665 Requirement for Compliance with Applicable Laws.

- (a) The continuing validity of this casino gaming license is conditional upon the casino gaming licensee’s compliance with applicable laws, rules, and regulations of the Commonwealth and the United States.

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(b) The failure to comply with an applicable law, rule, or regulation of the Commonwealth or the United States or a minimum internal control standard or an internal control standard is an unsuitable method of operation; each noncompliant action or omission is a distinct violation subject to penalty.

(c) The casino gaming license shall be interpreted under the laws of the Commonwealth of the Northern Mariana Islands and the exclusive jurisdiction of the courts hereof.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-670 Transfer, Assignment, or Encumbrance Prohibited.**

(a) Neither the casino gaming license nor the duties entailed may be transferred, encumbered, assigned, pledged, or otherwise alienated without the express written authorization of the Commission (collectively “license transfer”) except in the case of encumbrances related to the casino gaming licensee financing by financing parties, agencies and institutions as may permitted by the Commission.

(b) In instances where the casino gaming license is to be encumbered in relation to financing, confidential notice shall be provided to the Commission. Encumbrance of this license for purposes of financing shall have no effect on authority of the Commission to suspend or revoke this license nor shall it provide an encumbering party the right to operate the associated facilities without specific Commission approval.

(c) Any attempted transfer or assignment without such consent and approval shall be void.

(d) Any such proposed license transfer shall be subject to thorough review to determine that it is not inconsistent with the intent of the Act or the regulations.

(e) Any change in ownership of the casino gaming licensee shall be considered a license transfer except where the change of ownership or common control is that of a publicly held corporation that is traded on an established exchange, provided the increase in ownership or common control of an individual or entity is less than, or does not provide, 10% of total equity, control or shares of the licensee.

(f) Subject to the preceding requirements, any transfer of the casino gaming license shall bind the transferees to all terms and conditions of the transferor.

(g) Nothing in this section shall prevent the casino gaming licensee from contracting with independent agencies to perform designated functions subject to any required review and licensing requirements.

(h) The Commission may deem any person who owns or controls any percentage of the casino gaming licensee, or owns or controls any percentage of any entity which owns or controls the casino gaming licensee, unsuitable and suspend operations of the casino gaming licensee



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until such time as all persons who own or control the casino gaming licensee or any entity which owns or controls the casino gaming licensee are deemed suitable.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-675 License Suspension or Revocation.

(a) The casino gaming licensee is bound to comply with all terms and conditions of The casino license and a violation of its requirements shall be considered a breach thereof. A material breach thereof is grounds for suspension or revocation of the casino license. Unless otherwise indicated in the license agreement, the procedures established by the Commonwealth Administrative Procedure Act shall apply to proceedings for suspension or revocation of the casino license.

(b) Any one or more of the following events shall constitute material breach of the license agreement (“material breach”) and grounds for casino gaming license revocation or suspension as the Commission sees fit:

(1) Failure to pay any amount due and payable hereunder upon the date when such payment is due;

(2) Failure to materially comply with licensee development proposal requirements or the associated implementation schedules;

(3) Material violation of the laws of the Commonwealth or the United States;

(4) Failure to observe or perform any material obligation or covenant under the casino license agreement;

(5) Violation of material elements of the regulations established by the Commonwealth Casino Commission;

(6) Unauthorized transfer of the casino gaming license;

(7) The appointment of a receiver to take possession of all or substantially all of the casino gaming licensee’s assets, or the filing of a voluntary or involuntary bankruptcy petition in bankruptcy by the casino gaming licensee or its creditors, if such appointment, assignment, or petition remains undischarged for a period of thirty days; and

(8) The appointment of a receiver to take possession of all or substantially all of the assets of the owner of the casino gaming licensee, or the filing of a voluntary or involuntary bankruptcy petition in bankruptcy by the owner of the casino gaming licensee or its creditors, if such appointment, assignment, or petition remains undischarged for a period of thirty days.

(c) Upon the occurrence of a material breach, the Commission may, but shall not be required to: (1) suspend or revoke the casino license agreement and some or all of the licenses granted pursuant to the Act and the regulations and or cancel all associated duties and obligations; or (2) pursue any other remedy available at law or in equity.

(d) The Commission may impose civil penalties for the violation of any provision of the Act or any regulation or order issued pursuant to the Act. No penalty may exceed fifty thousand dollars. The range of lesser penalties for minor, intermediate violations and major violations is in Part 2500. The Commission may suspend, reduce, or rescind any penalty imposed pursuant to

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this section and according to any and all due process protections.

(e) Notwithstanding the foregoing, the Commission shall not revoke or suspend this license agreement unless written notice to the licensee has been provided of the intention and the licensee has been provided an adequate and reasonable period to cure the issue identified.

(f) In the event of casino license revocation, any prepayment of the annual license Fee shall be forfeited to the Commonwealth.

(g) In the event of casino license revocation, the Commonwealth may institute any and all legal proceedings it deems appropriate in courts of its choosing to assert any and all claims against the former licensee and other parties.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 700 - CASINO FACILITIES**

#### **§ 175-10.1-701 Impact of the Facilities.**

The casino gaming licensee shall comply with the minimum investment requirements as set forth in the Act, the license granted by the Lottery Commission and these regulations.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-705 The Casino.**

Every casino on an approved development site shall:

- (a) Contain closed circuit surveillance systems and security as approved by the Commission;
- (b) Contain specifically designated and secure areas for the inspection, repair, and storage of gaming equipment as approved by the Commission;
- (c) Contain a countroom and such other secure facilities as approved by the Commission for the inspection, counting, and storage of cash, coins, tokens, checks, dice, cards, chips, and other representatives of value;
- (d) Contain such facilities in the ceiling of the casino room commonly referred to as an “eye-in-the-sky” appropriate to permit direct overhead visual surveillance of all gaming therein as approved by the Commission; provided, however, that the Commission may exempt from its requirements any casino room in any building if its satisfied that same contains an acceptable approved alternative and that such exemption would not be inimical to Commission;

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(e) Contain a specially designated office, located on the casino floor, for the exclusive use by the Commission for administrative, enforcement and regulatory purposes as approved by the Commission. Such dedicated surveillance office shall include the use of such desks, chairs, monitors, camera controls, electronic video and audio recording devices, other reasonable accommodations and access to the approved surveillance system deemed necessary by the Commission for the Commission to properly enforce the applicable federal and Commonwealth laws and these regulations. The desks, chairs, monitors, camera controls, electronic video and audio recording devices, other reasonable accommodations and access to the approved surveillance system deemed necessary by the Commission provided to the Commission by the licensee for official use by the Commission remain at all times property of the licensee.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-710 Duty to Maintain and Operate a Superior Quality Facility.**

The casino licensee shall have a continuing duty to maintain and operate its entire casino complex of a superior quality as approved by the Commission, to submit the said complex to inspection by the Commission upon demand at the request of the Commission, and to promptly comply with all the requirements and the directives of the Commission relating to the maintenance and operation of the said complex.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-715 Mortgage and Assignment of Casino License, Etc.**

(a) The casino gaming licensee shall not mortgage, charge, or otherwise encumber: a casino license, a casino complex to which the casino license is related, the rights and benefits under the agreement in question without, or any gaming equipment without the consent of the Commission.

(b) Where the mortgagee wishes to enforce his security under the mortgage, charge, or other encumbrance pursuant to his rights thereunder;

(1) The casino gaming license and the rights, benefits, and obligations under the relevant agreement, shall be assigned only to the person approved by the Commission.

(2) Any receiver and manager appointed shall be a person approved by the Commission.

(c) As a condition precedent to the approval by the Commission, the Commission may require that the further agreement in writing be entered into between:

(1) The Executive Director for and on behalf of the Commission and the proposed assignee; or

(2) The Executive Director for and on behalf of the Commission and some other person whom the Commission considers to be appropriate person to be a party to the agreement with a view to the assignment of the casino license to the proposed assignee containing such terms and

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conditions with respect to the assignment and the proposed assignee as the Commission thinks fit.

(d) Any such further agreement shall have no force or effect unless and until approved by the Commission.

(e) Prior to any approval by the Commission, the Executive Director shall cause to be undertaken such investigation as are necessary in the discretion of the Commission. The Commission shall also require the proposed person and all persons not associated or connected or to be associated or connected in the opinion of the Executive Director, with the ownership, administration, or management of the operations or business of the proposed person to satisfy the Commission that such proposed persons and such persons are suitable persons to be associated or connected with the management and operations of a casino complex or casino. The cooperation and assistance of the Federal Bureau of Investigation, Interpol, and other jurisdictions investigative agencies may be sought as appropriate as determined by the Executive Director.

(f) A decision by the Commission to approve or not to approve of a transfer pursuant to the regulations is final and conclusive but may be reviewed pursuant to the Administrative Procedure Act.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 800 - TEMPORARY LIVE TRAINING FACILITY**

#### **§ 175-10.1-801 Temporary Live Training Facility Authorized.**

(a) Prior to the opening of the initial gaming facility, the licensee may establish and operate a temporary live training facility on the first floor of the T Galleria, Garapan.

(b) Notwithstanding any other regulation to the contrary, upon issuance of all required CNMI Government permits and consent from the Casino Commission, the licensee may transfer the operations of the temporary live training facility authorized to operate on the first floor of the T Galleria under this section to the completed casino portion of the initial gaming facility project at any time prior to completion of the required 250 five star quality rooms of the hotel portion of the initial gaming facility.

Modified, 1 CMC § 3806(f)–(g).

History: Amdts Adopted 40 Com. Reg. 40560 (Jan. 28, 2018); Amdts Proposed 39 Com. Reg. 39755 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-805 Applicability of Regulations.**

(a) The casino licensee may not begin operation of the temporary live training facility authorized by §175-10.1-801 until the Commission has promulgated all regulations necessary for

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the proper regulation of the temporary live training facility, and the Commission has informed the licensee, in writing, that it may proceed with live operations.

(b) Employees of the temporary live training facility must receive a license as if they were an employee of the casino gaming licensee pursuant to the regulations found in §175-10.1-1901 et seq. All regulations, restrictions and obligations which apply to casino employees and casino key employees apply to employees and key employees of the temporary live training facility.

(c) Service providers of the temporary live training facility must receive a license as if they were a service provider of a casino licensee pursuant to the regulations found in §175-10.1-1301 et seq. All regulations, restrictions, and obligations which apply to casino service providers apply to service providers of the temporary live training facility.

(d) All regulations dealing with the casino gaming licensee and the operation of gaming by the casino gaming licensee apply to the operation of the temporary live training facility.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-810 Development Plan Requirements.**

The temporary live training facility shall not be considered in evaluating the licensee's efforts towards meeting the licensee development proposal requirements or as one of the allowed development sites as identified in Section 8 of the license granted by the Lottery Commission. The casino licensee is not required to submit the plan for the temporary live training facility to the Development Plan Advisory Committee. The casino gaming licensee must submit a final plan for the temporary live training facility to the Commission before commencing operations at the temporary live training facility for a determination as to whether the plan is consistent with the applicable regulations.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-815 Cessation of Live Training Facility.**

(a) The casino licensee shall cease operations at the temporary live training facility prior to the opening of the initial gaming facility. In no event shall the licensee operate the temporary live training facility beyond August 31, 2018. The Commission may extend this date for good cause shown. If the casino licensee transfers operations of the live training facility to the initial gaming facility project pursuant to §175-10.1-801(b), operations at the live training facility need not cease prior to the opening of the initial gaming facility.

(b) Nothing herein relieves the casino licensee from its obligation to complete the initial gaming facility project and commence operations at the initial gaming facility by not later than August 31, 2018.

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Modified, 1 CMC § 3806(f)–(g).

History: Amdts Adopted 40 Com. Reg. 40560 (Jan. 28, 2018); Amdts Proposed 39 Com. Reg. 39755 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 900 - PERSONS REQUIRED TO BE QUALIFIED**

#### **§ 175-10.1-901 Casino Licenses.**

The Lottery Commission has already determined the qualifications of the casino gaming licensee. The Commonwealth Casino Commission shall have sole jurisdiction to determine whether the casino gaming licensee remains suitable. The Commonwealth Casino Commission shall have sole jurisdiction to determine whether a person or entity remains suitable in order to continue to own (whether directly or indirectly), receive revenue or profits (whether directly or indirectly) from, or continue to be in any way associated with, the casino gaming licensee.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-905 Casino Service Provider Licenses.**

(a) No casino service provider or vendor license shall be issued unless the individual qualification of each of the following persons shall have first been established to the satisfaction of the Commission: Each such casino service provider enterprise, its owners, its management personnel, its supervisory personnel, and its principal employees.

(b) Each person in subsection (a) must be qualified in accordance with the standards for casino employees found in § 175-10.1-920.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-910 Employee Licenses.**

No employee license or key employee license shall be issued unless, the individual qualifications of the natural person applying thereof, shall have first been established in accordance with the standards of the Act and of these regulations to the satisfaction of the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-915 Scope.**

A license may be issued to any person qualified in accordance with the standards applicable to the said person as set forth in the Act and regulations.

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Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-920 Licensee Standards.

(a) General and Affirmative Criteria:

(1) It shall be the affirmative responsibility of each applicant for any license, certificate, finding, registration, or permit available under these regulations, or renewal thereof, and licensee to establish to the satisfaction of the Commission by clear and convincing evidence his individual qualifications;

(2) Any applicant or licensee shall truthfully and completely provide all information required and satisfy all requests for information pertaining to qualification;

(3) All applicants and licensees shall have the continuing obligation to provide any assistance or information required and to cooperate in any inquiry or investigation conducted by the Commission;

(4) Each applicant shall produce such information, documentation, and assurances concerning financial background and resources as may be required to establish by clear and convincing evidence the financial stability and integrity of the applicant including but not limited to bank references, business and personal income, tax returns, and other reports filed with governmental agencies;

(5) Each applicant shall produce such information, documentation, and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bondholders and holders of indentures, notes or other evidence of indebtedness either proposed or in effect. The integrity of financial sources shall be judged upon the same standards as the applicant. The applicant shall produce whatever information documentation and assurances as may be required to establish the adequacy of financial resources to be entrusted with the privilege of conducting gaming in the Commonwealth;

(6) Each applicant shall produce such information, documentation, and assurances as may be required to establish by clear and convincing evidence the applicant's good character, honesty, and integrity. Such information shall include but not be limited to family, habits, character, reputation, criminal and arrest record, business activities, financial affairs, personal, professional and business associates covering a five year period immediately preceding the filing of the application;

(7) Each applicant shall produce such information, documentation, and assurances to establish by clear and convincing evidence that the applicant has sufficient business ability and casino experience to establish the likelihood of the ability to abide by the Act and regulations; and

(8) Each applicant shall complete the form concerning child support promulgated pursuant to § 175-10.1-925.

(b) Disqualification Criteria. The Commission shall deny any license, certificate, finding, registration, permit or renewal thereof (if such renewal is permitted by the Commission or Executive Director), including but not limited to a casino key employee license or casino employee license to any applicant who is disqualified on the basis of any of the following:

(1) Failure of the application to prove by clear and convincing evidence that the applicant is qualified in accordance with the provisions of the Act and the regulations to the satisfaction of

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the Commission.

(2) Failure of the applicant to provide truthful and complete information, documentation, or assurances requested by the Commission or failure of the applicant to reveal any fact material to qualification or the supplying of information which is untrue or misleading as to any material fact.

(3) Conviction of the applicant or any person required to be qualified, of any offenses in any jurisdiction which would be the same or similar as:

(i) 6 CMC § 1101, Murder or 6 CMC § 1102, Manslaughter;

(ii) 6 CMC § 1203, Aggravated Assault or Battery and 6 CMC 1203, Assault with A Dangerous Weapon;

(iii) 6 CMC § 1301, Sexual Assault in the First Degree; 6 CMC § 1302, Sexual Assault in the Second Degree; or 6 CMC § 1303, Sexual Assault in the Third Degree;

(iv) 6 CMC § 1306, Sexual Assault of a Minor in the First Degree; 6 CMC § 1307, Sexual Assault of a Minor in the Second Degree; or 6 CMC § 1308, Sexual Assault of a Minor in the Third Degree

(v) 6 CMC § 1314, Unlawful Exploitation of a Minor;

(vi) 6 CMC § 1323, Child pornography;

(vii) 6 CMC § 1411, Robbery;

(viii) 6 CMC § 1421, Kidnapping;

(ix) 6 CMC § 1471, Stalking in the First Degree;

(x) 6 CMC § 1501 et seq., Anti-Trafficking Act (any count);

(xi) 6 CMC § 1601 et seq., Theft (any count punishable by 6 CMC § 1601(b)(1)–(2));

(xii) 6 CMC § 1609, Theft of Utility Services (any count punishable by 1609(d)(1)–(3));

(xiii) 6 CMC § 1701 et seq., Forgery and Related Offenses (any count 6 CMC §§ 1701–1707);

(xiv) 6 CMC § 1722, Identity Theft and 6 CMC § 1723, Aggravated Identity Theft;

(xv) 6 CMC § 1801, Burglary

(xvi) 6 CMC § 1802, Arson and Related Offenses

(xvii) 6 CMC § 2141, Drug Trafficking punishable by 6 CMC § 2141(b) (except THC or marijuana)

(xviii) 6 CMC § 1142, Drug Possession punishable by 6 CMC § 2141(b) (excludes marijuana)

(xix) 6 CMC § 2103, Importation of Contraband

(xx) 6 CMC § 3113, Terroristic Threatening

(xxi) 6 CMC § 2141(a) and (b)(1), Offenses and penalties for illegal drug use

(xxii) 6 CMC § 2143, Commercial offenses-drugs offenses

(xxiii) 6 CMC § 3155, Gambling offenses prohibited

(xxiv) 6 CMC § 3201, Bribery

(xxv) 6 CMC § 3302, Obstructing justice

(xxvi) 6 CMC § 3303, Obstructing justice-interference of services

(xxvii) 6 CMC § 3304, Tampering with judicial records or process

(xxviii) 6 CMC § 3305, Tampering with jury

(xxix) 6 CMC § 3366, Perjury

(xxx) 6 CMC § 3501 et seq., Terrorism (any charge)

(4) Any other offenses under CNMI law, federal law, or any other jurisdiction which indicates that licensure of the applicant would be inimical to the policy of the Commission and to casino operations; however, that the automatic disqualification provisions of subsection (b) shall not apply with regard to any conviction which did not occur within the five-year period



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immediately preceding the application for licensure for a casino employee or casino service provider, or within 10 years for a casino key employee license, a junket operator license, or any other class of licensee the Commission may by order determine, or any conviction which has been the subject of an executive pardon or judicial order of expungement. The five-year period and ten-year period are calculated beginning from the day after the convict's last day of post-conviction supervision (including probation or parole or required registry as a sex offender under federal, Commonwealth, territorial, state, or tribal law). Convictions which occurred outside the five-year period immediately preceding the application for licensure, convictions which were pardoned, and convictions that were expunged may still be considered by the Commission as evidence of unsuitability for licensure.

(5) Current prosecution or pending charges in any jurisdiction of the applicant or of any person who is required to be qualified under this regulation for any of the offenses enumerated above; provided, however that at the request of the applicant or person charged, the Commission shall defer discussion upon such application during the pendency of such charge.

(6)(i) The identification of the applicant or any person who is required to be qualified under this regulation as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates a reasonable belief that the association is of such a nature as to be inimical to the policies of the rules and regulations and a casino operations.

(ii) For purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal of the public policy of the Commonwealth. A career offender cartel shall be defined as any group of persons who operate together.

(7) The applicant or any person who is required to be qualified under the rules and regulations as a condition of a gaming license may be denied for commission of any act or acts which would constitute any offense under subsections (b)(3) or (b)(4), even if such conduct has not or may not be prosecuted under the criminal laws of the CNMI.

Modified, 1 CMC § 3806(e)–(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2017) and 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-925 Licensee, Certificate or Permittee Standards (Child Support).

(a) The Executive Director shall promulgate a form which provides the applicant for any license, certificate, or permit available under the Act or these regulations, or renewal thereof, with an opportunity to indicate, under penalty of perjury, that:

(1) The applicant is not subject to a court order for the support of a child;

(2) The applicant is subject to a court order for the support of one or more children and is in compliance with the order or is in compliance with a plan approved by the Attorney General or his designee or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

(3) The applicant is subject to a court order for the support of one or more children and is not in compliance with the order or a plan approved by the Attorney General or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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(b) The form referred to in subsection (a) shall include: (1) an explanation that “court order” includes any court of competent jurisdiction and not just the courts of the Commonwealth; (2) a statement that the application for the issuance or renewal of the license, certificate, or permit will be denied if the applicant does not indicate on the statement which of the provisions of subsection (a)(1)–(3) applies to the applicant; and (3) a space for the signature of the applicant. The failure of the form to strictly comply with this requirement does not invalidate the form used by the Executive Director or release the applicant from the requirement of providing truthful and complete information.

(c) Disqualification Criteria: Child Support. The Commission shall deny any license, certificate, finding, or permit available pursuant to these regulations or any renewal thereof, including but not limited to casino key employee licenses or casino employee licenses to any applicant who: (1) fails to submit the statement required pursuant to § 175-10.1-920(a)(8), or (2) indicates on the statement submitted pursuant to § 175-10.1-920(a)(8) that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the Attorney General or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

(d) The Executive Director shall object to the licensure of, or seek the revocation of any license, certificate, finding, registration, or permit available under these regulations of any person found to have provided incomplete or untruthful information on the statement required by § 175-10.1-920(a)(8).

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed “subsection (a)(8)” to “§ 175-10.1-920(a)(8)” in (c) pursuant to 1 CMC § 3806(d).

### **§ 175-10.1-930 Casino Vendor Licensee.**

The Commission may, by order, provide for the licensing of other types of individuals (other than patrons) who the Commission determines should be licensed because of their association with or presence in the casino, and set and charge fees therefore. Such licensees shall be held to the standards of § 175-10.1-920.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## **Part 1000 - ENROLLMENT OF ATTORNEYS AND AGENTS**

### **§ 175-10.1-1001 Eligibility to Practice.**

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No person shall be eligible to practice before the Commission unless such person is enrolled in accordance with these regulations, except that any individual may appear, without enrollment, on his own behalf.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1005 Scope of Practice.

Practice before the Commission shall be deemed to include all matters relating to the presentation of a client's matter to the Commission, including the preparation and filing of applications, reports, systems of internal controls, financial statements, or other documents submitted to the Commission on behalf of such client.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1010 Qualifications for Enrollment.

(a) The following persons may be admitted to practice before the Commission as attorneys or accountants:

(1) Attorneys at law admitted to practice before the Commonwealth Superior Court and who are lawfully engaged in the active practice of their profession.

(2) Certified public accountants and public accountants qualified to practice under Commonwealth law and who are lawfully engaged in active practice as such.

(b) Other individuals may, upon motion of an enrolled person, be admitted to practice as agents upon presentation of satisfactory proof of their good character and integrity, professional qualifications and experience, comprehensive knowledge of the Act and regulations, and such other information or references as the Commission may require. Unless the Commission provides otherwise, all agents shall only be admitted to practice before the Commission for the purposes of a particular case or matter.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1015 Procedures for Enrollment.

(a) An attorney or accountant meeting the qualifications described in § 175-10.1-1010(a)(1)–(2) shall be deemed automatically enrolled at the time the attorney or accountant first appears for or performs any act of representation on behalf of a client in any matter before the Commission.

(b) Other individuals must submit an application for enrollment to the Commission together with proof of eligibility for enrollment. The Commission will consider the application at a public meeting, and may either grant or deny the application, or request additional information from the applicant. Only natural persons may enroll to practice before the Commission.

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(c) Prior to enrollment, any person other than one described in § 175-10.1-1010(a)(1)–(2) must pay an enrollment application fee of five hundred dollars and two hundred fifty dollars on every October 1 thereafter.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed “(a)(1) or (a)(2) above” to “§ 175-10.1-1010(a)(1)–(2)” in (c) pursuant to 1 CMC § 3806(d).

### **§ 175-10.1-1020 Enrollment for a Particular Matter.**

(a) The following persons may, upon motion of an enrolled person, be admitted to practice before the Commission for the purposes of a particular case or matter:

(1) Attorneys at law who have been admitted to practice before the courts of any state or territory or the District of Columbia and who are in good standing with the court by which they are licensed.

(2) Certified public accountants or public accountants who have duly qualified to practice as such in their own names, under the laws and regulations of any state or territory or the District of Columbia, and who are in good standing with the entity by which they are licensed.

(b) No person enrolled pursuant to this section may practice before the Commission except in association with the enrolled person who sponsored his enrollment. No person enrolled pursuant to this section may practice before the Commission in any manner that violates the rules of the Commonwealth Supreme Court or any other branch, agency, or board having authority over the respective profession.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1025 Roster of Enrolled Agents.**

The Commission will keep on file a roster of persons who are enrolled as agents, and will furnish, upon request, information as to whether any individual is enrolled.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1030 Suspension and Revocation of Enrollment.**

(a) A person’s enrollment to practice before the Commission shall be suspended automatically without a hearing under the following circumstances:

(1) Where the person is an attorney or an accountant, if his professional license is suspended or revoked;

(2) Where the person is an agent, if he has been convicted of any felony, regardless of whether an appeal is pending or could be taken.

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- (b) Any person enrolled to practice before the Commission as an agent may have his enrollment to practice suspended or revoked if, after a hearing, the Commission finds that:
- (1) The agent made a materially false or misleading statement with regard to his application for enrollment;
  - (2) The agent willfully failed to exercise diligence in the preparation or presentation of any application, report, or other document filed with the Commission, or knowingly misrepresented any material fact to the Commission; or
  - (3) The agent does not possess the requisite qualifications or expertise to represent others before the Commission, lacks character or integrity, or has engaged in unethical or improper conduct.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1035 Reinstatement.**

- (a) Any attorney or accountant whose enrollment is suspended under § 175-10.1-030(a)(1) shall be deemed automatically reinstated to practice before the Commission at the time he is reinstated to practice law or accounting by the applicable licensing authority.
- (b) Any agent whose enrollment is suspended or revoked under § 175-10.1-030(b) may be reinstated by the Commission, upon application, if the grounds for the suspension or revocation are subsequently removed by a reversal of the conviction, or for other good cause shown. An applicant for reinstatement shall be afforded an opportunity for a hearing before the Commission on the application, and shall pay all reasonable costs of the proceeding and a new enrollment fee of five hundred dollars.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1040 Proof of Authority.**

The Commission may require all persons seeking to appear before it to disclose the identity of those they represent and to present proof that they are authorized to act on their behalf.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1045 Effect of Representation.**

- (a) Any person represented by an attorney, accountant, agent, or other person before the Commission shall be bound by the acts or omissions of such representative to the same extent as if he had acted or failed to act personally.
- (b) In an appearance by an attorney, accountant, agent, or other representative at any hearing or meeting of the Commission, the person represented shall be deemed to have waived all privileges with respect to any information in the possession of such attorney, accountant, agent,

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or representative, or any testimony by him, except for privileges afforded by the Constitution of this Commonwealth or the United States, where applicable.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1050 Obligations of Truthfulness and Diligence.

(a) Enrolled persons shall not be intentionally untruthful to the Commission, nor withhold from the Commission any information which the Commission is entitled to receive, nor interfere with any lawful effort by the Commission to obtain such information.

(b) Enrolled persons shall exercise due diligence in preparing or assisting in the preparation of documents for submission to the Commission.

(c) Enrolled persons have a continuing responsibility on behalf of their clients to monitor the accuracy and completeness of information submitted to the Commission in any matter pertaining to their clients. Whenever an enrolled person becomes aware that information furnished to the Commission is no longer accurate and complete in any material respect, the enrolled person shall promptly furnish the Commission with appropriate supplemental and corrected information.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1055 Knowledge of Client's Omission.

An enrolled person who knows that a client has not complied with the Act or the regulations of the Commission, or that a client has made a material error in or a material omission from any application, report, or other document submitted to the Commission, shall advise his client promptly of the fact of such noncompliance, error, or omission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1060 Certification of Documents.

Every application, report, affidavit, written argument, brief, statement of fact, or other document prepared or filed on behalf of a client represented by an enrolled person, must be signed by the enrolled person, and the signature shall be deemed to constitute a certification that the document was prepared in conformity with the requirements of the Act and regulations, that he has read the said paper and that, to the best of his knowledge, information and belief, its contents are true.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1065 Duty of Enrollees Concerning Violations.

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An enrolled person shall, when requested by the Commission, a member, or an authorized employee thereof, give to the Commission, or such member, or employee any information that the enrolled person may have concerning violations of the Act or regulations by any person, or of the occurrence of any acts or omissions on the part of an enrollee that would be grounds for suspension or disbarment of such enrollee, unless such information is privileged under applicable law.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1070 Professional Conduct.**

Each enrolled person shall conduct his practice in an ethical and professional manner. Each enrolled attorney shall observe the rules of admission and professional conduct adopted by the Commonwealth Supreme Court, and each enrolled person who is not an attorney shall observe the rules of professional conduct adopted by the Commonwealth Board of Accountancy.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 1100 - INFORMATION**

### **§ 175-10.1-1101 Affirmative Responsibility to Establish Qualifications.**

It shall be the affirmative responsibility and continuing duty of each applicant and licensee to produce and update and keep current such information, documentation, and assurances as may be required to establish by clear and convincing evidence his qualifications in accordance with the rules and regulations.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1105 Duty to Disclose and Cooperate.**

(a) It shall be the affirmative responsibility and continuing duty of each applicant, licensee, and person required to be qualified or registered to provide all information, documentation, and assurances pertaining to qualifications required or requested by the Commission and to cooperate with the Commission in the performance of its duties. Any refusal by any such person to comply with a formal request for information, evidence, or testimony shall be a basis for denial, revocation, or disqualifications.

(b) Nothing herein prohibits an applicant, licensee, or person required to be qualified or registered from exercising rights granted under the Constitutions of the United States of America or the CNMI.

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(c) The Commission may draw any inference from the exercise of the rights described above and use such inference as a reason for the denial or revocation of a license or registration or denial or revocation of a finding of suitability or qualification.

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1110 Disposition of Property of a Casino Applicant or Licensee.**

It shall be an affirmative responsibility of the casino gaming licensee to submit to the Commission a copy of all agreements regarding the lease or purchase of, or the option to lease or purchase, any real property in Saipan, CNMI, entered into by the casino gaming licensee or any affiliate of the casino gaming licensee.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1115 Duty to Promptly Furnish Information.**

It shall be the duty of each applicant or licensee to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, handwriting exemplars, or other materials required or requested by the Commission. Any request of information by the Commission shall be submitted at a reasonable time determined by the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1120 Inspection, Monitoring, and Periodic Investigations.**

The Commission or its authorized representatives may inspect and monitor at any time, the licensed premises of a licensed casino and the premises of any casino service provider or casino vendor licensee. The Commission must investigate, not later than one year after the commencement of operations in a casino or temporary live training facility, and thereafter at intervals of its choosing the following:

- (a) Whether or not the casino gaming licensee is a suitable person to continue to hold a casino license;
- (b) Whether or not the casino gaming licensee is complying with these regulations, the Act and any applicable law or regulation;
- (c) Whether or not the casino gaming licensee is complying with the casino license issued by the Lottery Commission;
- (d) Whether or not the casino gaming licensee, casino employees or casino service providers or casino vendor licensee are complying with all agreements which are required under these



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regulations and the Act and any subsequent amendments thereto;

(e) Whether or not it is in the public interest that the casino gaming licensee or casino service providers or casino vendor licensee should continue in force.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1125 Waiver of Liability for Disclosure of Information.

Each applicant, licensee, and person required to be qualified shall, in writing, waive liability of the Commission and its instrumentalities and agents for any damages resulting from any disclosure or publication of any information during any inquiries, investigations, hearings, or public records requests.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1130 Consent to Examination of Accounts and Records.

(a) Each applicant and licensee shall, in writing consent to the examination of all accounts, bank accounts, and records in his possession or under his control and authorize all third parties in possession or with control of such accounts or records to allow such examination thereof as may be deemed necessary by the Commission.

(b) The casino gaming licensee must sign an authorization to inspect its bank account records upon demand of the Commission.

(c) The casino gaming licensee must maintain an account in a bank in the CNMI or in the United States of America into which are deposited its revenues from all gaming activities. Said deposits must be made within five days of receipt of said revenues by the casino licensee. Said deposits must be made into the domestic or United States bank account within five days of receipt of said revenues by the licensee's parent company or any affiliate thereof, if the Commission or Executive Director by Order allow receipt of funds by the parent company or an affiliate.

(d) The Commission may waive any or all of these requirements as it deems prudent.

Modified, 1 CMC § 3806(e)–(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1135 Fingerprinting.

(a) Each applicant, licensee, and person required to be qualified shall be fingerprinted in

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duplicate on fingerprint impression card forms provided by the Commission. One of the said forms shall be filed with the Commission and one shall be filed with the Commonwealth Department of Public Safety.

- (b) Each person submitting fingerprints acknowledges that the Commission may provide copies of the fingerprint cards to law enforcement upon request or upon its own initiative.
- (c) The Commission may waive this requirement as it deems prudent.
- (d) The Commission may charge an additional one-time fee to offset the collection and storage of the submitted fingerprints.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1140 Digital Photographs.

- (a) Each applicant, licensee, and person required to be qualified shall be digitally photographed. One set of the said photographs shall be filed with the Commission and one shall be filed with the Commonwealth Department of Public Safety.
- (b) Each person submitting photographs acknowledges that the Commission may provide copies of the photograph and any associated identifying information to law enforcement upon request or upon its own initiative.
- (c) The Commission may waive this requirement as it deems prudent.
- (d) The Commission may charge an additional fee to offset the collection and storage of the submitted photographs.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1145 Handwriting Exemplars.

- (a) Each applicant, licensee, intermediary company, holding company, and person required to be qualified shall, in writing, consent to the supplying of handwriting exemplars in the form and manner directed upon the request of the Commission.
- (b) Each person submitting handwriting exemplars acknowledges that the Commission may provide copies of the exemplars and any associated identifying information to law enforcement upon request or upon its own initiative.
- (c) The Commission may waive this requirement as it deems prudent.

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(d) The Commission may charge an additional fee to offset the collection and storage of the submitted exemplars.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1150 Oath of Affirmation and Attorney Certification.

(a) All applicant, registration, business enterprise disclosure, child support information, and personal history disclosure forms and all other papers relating thereto submitted to the Commission by or on behalf of an applicant shall be sworn to or affirmed and subscribed and dated by the applicant and, if different, the author of the said form or paper before a person legally competent to take an oath or affirmation, who shall himself subscribe and date the signature of the affiant and indicate the basis of his authority to take oaths or affirmations. The following statement shall immediately precede the signature of the affiant:

“I swear (or affirm) under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to loss of licensure and forfeiture of any and all fees paid as well as civil and criminal prosecution and fines and penalties associated therewith.”

The affiant, if requested shall again swear to or affirm and subscribe and date any such paper in the presence of a representative of the Commission.

(b) All such forms and papers shall also be signed by the applicant’s chief legal officer or attorney of record, if any.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1155 Untrue Information.

The Commission shall deny a license or registration to any applicant who shall supply information to the Commission which is untrue or misleading as to a material fact pertaining to any information sought by the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1160 Signatures.

All application, business enterprise disclosure, and personal history disclosure forms shall be signed by each of the following persons:

(a) If a corporation, by its president, its Chairman of the board, any other chief executive officer thereof, its secretary, and its treasurer;

(b) If a partnership, by each of its partners; if a limited partnership, only by each of its general partners;

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- (c) If any other business enterprise, organization, association, or of a governmental agency, by its chief executive officer, its secretary, and its treasurer;
- (d) If an LLC, by its manager or managing member and all members; and
- (e) If a natural person, by the person himself.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1165 Form of Signature.

All signatures shall be signed in blue ink and dated on all original papers, but may be photographed, typed, stamped, or printed on any copies of such papers. The name and address of the signatory shall be typed, stamped, or printed beneath each signature.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1170 Form of Application.

(a) Each applicant, licensee, or person required to be qualified shall provide all information in a form specified by the Commission and shall complete and submit all appropriate application, registration, business enterprise disclosure, and personal history disclosure forms as directed by the Commission or the Executive Director.

(b) The Executive Director is authorized to create any application or form referred to or required by these regulations, and is further authorized to create any application or form he deems necessary for the expedient conduct of the Commission's business.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1175 Numbers of Copies.

(a) All original applications and other original papers relating thereto submitted to the Commission by the applicant shall be accompanied by one original and six conformed copies.

(b) Additional conformed copies of any such papers shall be supplied upon request by the Commission.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## Part 1200 - FEES

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### § 175-10.1-1201 General Description of Fees and Deposit Policy.

- (a) The Commission shall establish fees for the application issuance and renewal of all licenses pursuant to the Act.
- (b) The differing treatment of these license categories reflects a recognition and judgment that casino applicants and licensees benefit directly or indirectly from all aspects of the regulatory process and are best suited to bear the largest share of the costs incurred by the Commission in implementing that process. Moreover, the actual cost of investigation and considering applications for individual employee licenses and casino service provider licenses may exceed the amount which those applicants and licensees may fairly be required to pay as fees. The fee structure established by these rules and regulations is designed to respond to these policies and problems.
- (c) To the extent reasonably possible, each applicant or licensee should pay the investigatory or regulatory costs attributable to their application or license.
- (d) Unless otherwise specifically exempted by the Commission, all application fees are fully earned when received by the Commonwealth Treasury or the Commission. The withdrawal of the application by the applicant or the denial of the license by the Commission is not grounds for a rebate of any portion of any application fee.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1205 License Renewal General Provisions.

- (a) All classes of gaming licenses, except the casino license issued by the Lottery Commission which remains in force until modified, cancelled, suspended, or surrendered pursuant to the Act or these regulations, are subject to renewal as provided herein. All classes of gaming licenses, other than the casino license issued by the Lottery Commission, must be renewed before the expiration of the current license. This requirement does not guarantee renewal and no holder of a license has a property right in the renewal thereof.
- (b) Any license, other than a casino license, which is not renewed prior to expiration, will be considered as forfeited. Reinstatement of such a forfeited license will require processing as a new license application including payment of the proper fees associated with initial license issuance as promulgated herein.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1210 Payment of Fees and Deposits.

- (a) No application shall be accepted for filing or processed by the Commission except upon

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the proper and timely payment of all required fees and deposits in accordance with these regulations. Any portion of an application fee or deposit which is incurred or determined after the filing of the application or which estimated in accordance with this subchapter shall be payable upon demand made by the Commission. Failure to promptly remit any amount so demanded shall be deemed a failure to timely pay the required fee unless the Commission finds cause to permit an extension of time in which to remit the demanded amount.

(b) Except as otherwise provided in the Act and these regulations, failure to timely remit fees, or deposits required under this subchapter shall result in suspension of the affected license or application until such time as the full amount of such fee or deposit is paid unless the Commission finds cause to permit extension of time in which to remit the amount due. Except as otherwise provided, failure to remit full amount of a fee or deposit required under this section within thirty calendar days of the date such fee becomes due shall result in permanent forfeiture of the affected license or application unless the licensee or applicant shall show cause for non-forfeiture acceptable to the Commission.

(c) The annual license fee required by § 175-10.1-610 shall be paid by check made payable to the “CNMI Treasurer” with a notation in the “Memo” area listing the fee being paid, and mailed to the Commonwealth’s Department of Finance. No check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn. An original receipt must be forwarded to the Commission promptly via U.S. Mail. Nothing herein prevents the Commission from receiving payment reports from the Department of Finance; however such reports do not alleviate the payor’s responsibility to forward the original receipt to the Commission.

(d) All other fees shall be paid by check made payable to the “CNMI Treasurer” with a notation in the “Memo” area listing the fee being paid, and mailed to the Commission. No check so presented shall be deemed payment until the Commission shall be satisfied that sufficient funds are contained in the account against which it is drawn.

(e) The Commission may provide for wire transfer of any amount owed pursuant to the Act or these regulations.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1215 Special Fee Assessments for Other Purpose.**

All investigation fees required of the casino licensee, persons who have ownership of the entity which owns or controls the casino licensee, potential transferees, service providers, vendors, junket operators, casino key employees, and casino employee must be shouldered by the applicant or employer of the applicant. In cases where further investigation is warranted, the Commission may require additional funds for the completion of the investigation process. The Commission may impose other additional fees as it deems necessary.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

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### § 175-10.1-1220 No Proration of Fees.

Where fees are to be paid annually (whether by calendar or)\* the Commission shall not pro-rate any fees for the remainder of the year based on when the fee was incurred.

\*So in original.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed “(whether by calendar or)” to “(whether by calendar or otherwise)” pursuant to 1 CMC § 3806(g).

### § 175-10.1-1225 Schedule of Fees.

(a) Calculation of casino regulatory fee: The casino regulatory fee will be a flat fee at a fixed rate of three million dollars annually with a 5% increase every five years for the following twenty years. After the twentieth year, the maximum casino regulatory fee will be reached and maintained for the remaining duration until the end of the exclusive casino license term, including all extensions of the casino license.

(b) Casino vendor license. No casino vendor license shall be issued or renewed unless the applicant shall have first paid in full a license fee of two thousand dollars for the duration of the current fiscal year and the next two fiscal years thereafter. A renewal fee must be remitted, in full, to the Commission by October 1st of the third fiscal year after the original application and every third October 1st thereafter.

(c) Casino service provider license. No casino service provider license shall be issued or renewed unless the applicant shall have first paid in full a license fee of five thousand dollars for the duration of the current fiscal year and the next fiscal year thereafter. A biannual renewal fee must be remitted, in full, to the Commission by October 1st of the second fiscal year after the original application and every second October 1st thereafter.

(d) Other Fees:

- (1) Fee for provisional service provider license is two thousand five hundred dollars.
- (2) License replacement fee is twenty dollars.
- (3) Agent enrollment fee is five hundred dollars.
- (4) Declaratory ruling notification list fee is one hundred dollars.
- (5) Fee for Provisional casino vendor license is one thousand dollars.
- (6) Other fees may be assessed by the Commission as deemed appropriate and/or listed in a Supplemental Statement of Fees published by the Commission.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

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### Part 1300 - CASINO SERVICE PROVIDERS

#### § 175-10.1-1301 Definitions.

The following words and terms, when used in this part, have the following meaning unless otherwise indicated.

- (a) “Gaming equipment” means any mechanical, electrical, or electronic contrivance or machine used in connection with gaming or any game and includes, without limitation, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, chips, plaques, card dealing shoes, drop boxes, and other devices, machines, equipment, items, or articles determined by the Commission to be so utilized in gaming as to require licensing of the manufacturers, distributors, or services or as to require Commission approval in order to contribute to the integrity of the gaming industry.
- (b) “Gaming equipment distributor” means any person who distributes, sells, supplies, or markets gaming equipment.
- (c) “Gaming equipment industry” means any gaming equipment manufacturer, and any producers or assemblers of gaming equipment(s).
- (d) “Gaming equipment manufacturer” means any person who manufactures gaming equipment.
- (e) “Gaming equipment servicer” means any person who maintains, services, or repairs gaming equipment.
- (f) “Sales representative” means any person owning an interest in, employed by, or representing a casino service provider enterprise, who solicits the goods and services or business thereof.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### § 175-10.1-1305 Service Provider and Vendor License Requirements.

- (a) Except as otherwise provided for herein, any enterprise that provides goods or services related to, or transacts business related with, casino or gaming activity with the casino licensee, its employees or agents must be licensed by the Commission. The following enterprises must also be licensed as a casino service provider:
  - (1) Any form of enterprise which manufactures, supplies, or distributes devices, machines, equipment, items, or articles specifically designed for use in the operation of a casino or needed to conduct a game including, but not limited to, roulette wheels, roulette tables, big six wheels, craps tables, tables for card games, layouts, slot machines, cards, dice, gaming chips, gaming plaques, slot tokens, card dealing shoes, and drop boxes; or
  - (2) Any form of enterprise which provides maintenance, service, or repair pertaining to devices, machines, equipment, items, or articles specifically designed for use in the operation of a casino or needed to conduct a game; or



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(3) Any form of enterprise which provides service directly related to the operation, regulation, or management of a casino including, but not limited to, gaming schools teaching gaming and either playing or dealing techniques, casino security enterprises, casino credit collection enterprises; or

(4) Any form of enterprise which provides such other goods or services determined by the Commission to be so utilized in or incidental to gaming or casino activity as to require licensing in order to contribute to the integrity of the gaming industry in the Commonwealth.

(b) The Commission may require licensure as a casino vendor of any other person or entity which provides, or is likely to provide, any gaming or nongaming services of any kind to the casino licensee or its affiliated companies in an amount greater than two hundred fifty thousand dollars per fiscal or calendar year.

(c) The casino licensee shall not buy, purchase, rent, lease, or obtain any good or service from any person or entity who must be licensed pursuant to this part if such person is not in possession of a current, valid license. The casino gaming licensee shall immediately terminate its association and business dealings with a person licensed pursuant to this Part upon notification from the Commission that the license of such service provider licensee has been suspended.

(d) The casino gaming licensee shall ensure that all contracts entered into with any vendor include a clause that requires the vendor to apply for a casino service provider or casino vendor license upon demand of the Commission, and a clause cancelling and voiding the contract if the provider either does not seek, or seeks but does not receive, a casino service provider or casino vendor license if demanded by the Commission.

(e) Casino vendor licenses pursuant to subsection (b) are not required for the following persons provided they engage solely in the following transactions:

- (1) Landlords renting to the casino licensee or its affiliated companies;
- (2) Landowners selling real estate to the casino licensee or its affiliated companies;
- (3) Financial companies providing banking services to the casino licensee or its affiliated companies;
- (4) Airlines selling airfare to the casino licensee or its affiliated companies;
- (5) Insurance companies selling insurance policies to the casino licensee or its affiliated companies;
- (6) Hotels renting rooms to the casino licensee or its affiliated companies;
- (7) Agencies or political subdivisions of the Commonwealth government;
- (8) Regulated public utilities;
- (9) Attorneys providing legal services;
- (10) Accountants providing accountancy services;
- (11) Insurance companies underwriting risk or selling policies of insurance;
- (12) Shipping companies providing transportation of goods;
- (13) Telecommunication companies providing communication service;
- (14) Charitable donations to recognized non-profit organizations;
- (15) Approved educational/training institutions.

Modified, [1 CMC § 3806](#)(e)–(g).

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History: Amdts Adopted 39 Com. Reg. 39761 (July 28, 2017); Amdts Proposed 39 Com. Reg. 39169 (Jan. 30, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1310 Standards for Qualifications.

(a) The general rules and regulations relating to standards for qualification set forth in Part 900 and the regulations are incorporated herein.

(b) Each applicant required to be licensed as a casino licensee, casino service provider, casino employee, casino key employee, or casino vendor in accordance with these regulations including gaming schools, must, prior to the issuance of any casino service provider license or other license issued by the Commission, produce such information, documentation, and assurances to establish by clear and convincing evidence:

(1) The financial stability, integrity, and responsibility of the applicant;

(2) The applicant's good character, honesty, and integrity;

(3) That the applicant, either himself or through his employees, has sufficient business ability and experience to establish, operate, and maintain his enterprise with reasonable prospects for successful operation;

(4) That all owners, management and supervisory personnel, principal employees and sales representatives qualify under the standards established for qualification of a casino key employee;

(5) The integrity of all financial backers, investors, mortgagees, bondholders, and holders of indentures, notes or other evidence of indebtedness, either in effect or proposed, which bears any relationship to the enterprise; and

(6) The integrity of all officers, directors, and trustees of the applicant.

(c) Each applicant required to be licensed as a casino service provider or casino vendor in accordance with these Regulation shall, prior to the issuance of any casino service provider or vendor license, produce such information and documentation, including without limitation as to the generality of the foregoing its financial books and records, assurances to establish by clear and convincing evidence its good character, honesty, and integrity.

(d) Any enterprise directed to file an application for a casino service provider or casino vendor license pursuant to these regulations may request permission from the Commission to submit a modified form of such application. The Commission, in its discretion, may permit such modification if the enterprise can demonstrate to the Commission's satisfaction that securities issued are listed, or are approved for listing upon notice of issuance, on the New York Stock Exchange the NASDAQ, or the American Stock Exchange or any other major foreign stock exchange.

(e) Any modifications of a casino service provider or casino vendor license application permitted pursuant to this section may be in any form deemed appropriate by the Commission except that the application for modification must include the following:

(1) The appropriate Personal History Disclosure Forms for all those individuals required to so file by the Commission;

(2) Copies of all filings required by the United States Securities and Exchange Commission

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including all proxy statements and quarterly reports issued by the applicant during the two immediately preceding fiscal years or reports filed pursuant to the requirements of another regulatory body dealing with securities;

(3) Properly executed Consents to Inspections, Waivers of Liability for Disclosures of Information and Consents to Examination of Accounts and Records in forms as promulgated by the Commission;

(4) Payment of the fee required by § 175-10.1-1225(d); and

(5) Any other information or documentation required at any time by the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1315 Disqualification Criteria.

A casino service provider license, a provisional casino service provider license, a provisional casino vendor license, or a casino vendor license must be denied to any applicant for a casino service provider or casino vendor license, be they provisional or otherwise, who has failed to prove by clear and convincing evidence that he or any of the persons who must be qualified under § 175-10.1-905(a) possesses the qualifications and requirements set forth in § 175-10.1-920 and § 175-10.1-925 and any other section of these Regulations.

Modified, 1 CMC § 3806(f)–(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1320 Application; Investigation; Supplementary Information.

(a) Each applicant must apply by completing an application package promulgated by the Commission and tendering payment of the amount listed in § 175-10.1-1225.

(b) The Commission may inquire or investigate an applicant, licensee, or any person involved with an applicant or licensee as it deems appropriate either at the time of the initial application and licensure or at any time thereafter. It is the continuing duty of all applicants and licensees to provide full cooperation to the Commission in the conduct of such inquiry or investigation and to provide any supplementary information requested by the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1325 Renewal of Licenses.

(a) An application for renewal of a license shall be filed annually no later than thirty days prior to the expiration of its license. The application for renewal of a license must be accompanied by the promulgated fee and needs to contain only that information which represents or reflects changes, deletions, additions, or modifications to the information previously filed with the Commission.

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(b) A change in any item that was a condition of the original license or of a license renewal must be approved by the Commission. A change in ownership shall invalidate any approval previously given by the Commission. The proposed new owner is required to submit an application for licensure and evidence that he is qualified for licensure.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1330 Record Keeping.

(a) All casino service provider or casino vendor licensees must maintain adequate records of business operations which shall be made available to the Commission upon request; the records must be maintained in a place secure from theft, loss, or destruction. Adequate records include:

- (1) All correspondence with the Commission and other governmental agencies on the local, Commonwealth, and national level;
- (2) All correspondence concerning the realty, construction, maintenance, or business of a proposed or existing casino or related facility;
- (3) All copies of promotional material and advertisement;
- (4) All personnel files of each employees or agent of the licensee, including sales representatives; and
- (5) All financial records of all transactions of the enterprise including, but not limited to those concerning the realty, construction, maintenance, or business in any way related to a proposed or existing casino or related facility.

(b) Adequate records as listed in subsection (a) must be held and remain available for inspection for at least seven years.

Modified, 1 CMC § 3806(d)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1335 Record of Gaming Equipment Inventory.

(a) A manufacturer of all gaming machines/equipment including but not limited to slot machines, keno games, roulette, and big six wheels shall permanently affix an identification plate on each piece of gaming equipment that is clearly visible, showing an identification or serial number, the date of manufacture, and the name of the manufacturer.

(b) A manufacturer of the gaming machine/equipment must maintain a record for all periods of registration that it supplies a casino licensee or operator as a casino gaming-related supplier of gaming equipment.

(c) A casino licensee must maintain a record of each gaming machine/equipment that includes, but not limited to:

- (1) Name of the manufacturer of each piece of gaming machine/equipment;
- (2) Date of manufacture;
- (3) Serial or identification number;
- (4) Date of delivery to the casino operator;

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- (5) Current post-delivery status;
- (6) Disposal date and method; and
- (7) Name of purchaser at disposal.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1340 Equipment Testing Cost.

- (a) All gaming machine/equipment used in the playing of games of chance in the casino will be subject to random testing by the Commission or its agents at times to be determined by the Commission. All costs associated with the testing prior to installation shall be paid or reimbursed to the Commission by the equipment manufacturer.
- (b) All gaming machine/equipment must pay out a mathematically demonstrable percentage of all amounts wagered subject to the approval of the Commission.
- (c) Malfunctioning gaming machine/equipment which have an impact or effect on the performance and/or payout of the game must not be made available for play.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1345 Games of Chance.

- (a) The casino gaming licensee must submit to the Commission for approval, a complete listing and description of any game of chance proposed for play in a casino that the operator intends to offer for play.
- (b) For each game of chance submitted, the casino gaming licensee must provide the rules of play to the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1350 Hardware Requirements.

- (a) Identification plates. An unmovable identification plate containing the following information must appear on the exterior of each piece of gaming equipment and visibly identify:
  - (1) Manufacturer;
  - (2) Serial number; and
  - (3) Model number.
- (b) Power interrupts circuit.
  - (1) A power interrupt circuit must be installed in all appropriate gaming equipment.
  - (2) A battery backup device is required that is capable of maintaining accurate required information after power is discontinued.

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- (3) The backup device must be kept within the locked or sealed logic board compartment.
- (c) Electromagnetic interference. Each machine or other gaming equipment shall be designed and constructed so that its operation is not adversely affected by static discharge or other electromagnetic interference.
- (d) The casino gaming licensee must submit its hardware accessories requirements, operational systems, and control systems, to the Commission for consideration and approval prior to use, including, but not limited to:
  - (1) Coin and token mechanisms;
  - (2) Bill validators;
  - (3) Automatic light-alarm;
  - (4) Protection of logic boards and memory components;
  - (5) Hardware switches;
  - (6) Drop bucket; and
  - (7) Hopper.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1355 Software Requirement.**

The casino gaming licensee must provide to the Commission for the Commission's consideration and prior approval all software used in or in conjunction with gaming equipment and any gaming activity or gaming accounting.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1360 Cause for Suspension, Failure to Renew, or Revocation of a License.**

Any of the following is cause for suspension, refusal to renew, or revocation of a casino service provider license or casino vendor license; refusal to renew or a revocation may be issued for sufficient cause, so as those listed but not limited to:

- (a) Violation of any provision of the Act or these regulations;
- (b) Conduct which would disqualify the applicant, or any other person required to be qualified, if such person were applying for original licensure;
- (c) Failure to comply with all applicable Commonwealth, federal, state, and local statutes, ordinances, and regulations;
- (d) A material departure from any representation made in the application for licensure;

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(e) Conduct by the licensee which involves issuance or acceptance of political favors, kickbacks, undue pressure, manipulation or inducement of a public official for political, regulatory, or financial gain;

(f) Any other action or inaction by the licensee which causes the Commission to question the licensee's integrity, honesty, or which, in the Commission's sole judgment tends to discredit the Commonwealth or the Commonwealth's gaming industry.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1365 Fees.

(a) The fees for a service provider license are listed in Part 1200.

(b) The fees for a provisional service provider license are listed in Part 1200.

(c) The casino regulatory fee is listed in part 1200.

(d) The fees for a casino vendor license are listed in Part 1200

(e) The fees for a provisional casino vendor license are listed in Part 1200.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1370 [Reserved.]

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1375 Casino Service Provider License.

No casino service provider or casino vendor license will be issued unless the individual qualifications of each of the following persons have first been established in accordance with all provisions, including those cited, in the Act and of the regulations:

(a) The enterprise;

(b) If the enterprise is, or if it is to become, a subsidiary, each holding company and each intermediary company which the Commission deems necessary in order to further the purposes of the Act;

(c) Each owner of the enterprise who directly or indirectly holds any beneficial interest or ownership in excess of 20% of the enterprise;

(d) Each owner of a holding company or intermediary company who the Commission

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determines is necessary in order to further the purposes of the Act;

- (e) Each director of the enterprise except a director who, in the opinion of the Commission, is significantly not involved in or connected with the management or ownership of the enterprise shall not be required to qualify;
- (f) Each officer of the enterprise who is significantly involved in or has authority over the conduct of business directly related to casino or gaming activity and each officer whom the Commission may consider appropriate for qualification in order to ensure the good character, honesty, and integrity of the enterprise;
- (g) Each officer of a holding company or intermediary company whom the Commission may consider appropriate for qualification in order to ensure the good character, honesty, and integrity of the enterprise;
- (h) The management employee supervising the regional or local office which employs the sales representative who will solicit business or deal directly with a casino licensee;
- (i) Each employee who will act as a sales representative or otherwise engage in the solicitation of business from casino licensees; and
- (j) Any other person whom the Commission may consider appropriate for approval or qualification.

Modified, 1 CMC § 3806(a), (e)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1380 Master Vendors List.

- (a) The casino gaming licensee must establish a listing of all vendors, whether gaming or nongaming, with which it conducts business irrespective of the amount of business transacted. This listing must include, at a minimum, the following information:
  - (1) Name of the company or individual, if sole proprietor;
  - (2) Physical address and email of company or sole proprietor;
  - (3) Amount of business for the month;
  - (4) If the vendor is a company, then a listing of the owners and managers of the company;
  - (5) A listing of the employees of the vendor involved with the casino gaming licensee; and
  - (6) Any other information the Commission determines to be necessary to track levels of business and compliance with the Act.
- (b) By no later than the tenth of each month, the casino gaming licensee shall file with the Commission its master vendor list with the information set forth in subsection (a) above.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).



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### § 175-10.1-1385 Provisional Casino Service Provider License.

(a) The Executive Director may, in his sole and absolute discretion, issue a provisional service provider license to any person who applies for a license as a casino service provider required by § 175-10.1-1305, provided such applicant also applies for a provisional license pursuant to this section.

(b) The provisional casino service provider license shall be valid for such time as the applicant's casino service industry license is pending with the Commission for investigation, consideration, determination of suitability, and any other period before the Commission (1) grants the license; or (2) rejects the application.

(c) If the applicant withdraws his application for a casino service provider license required by § 175-10.1-1305, the provisional license issued by the Executive Director pursuant to § 175-10.1-1385(a) shall immediately expire.

(d) In determining whether to issue a provisional service provider license pursuant to § 175-10.1-1385(a), the Executive Director must consider whether issuing such provisional license will bring disrepute to the Commonwealth or the gaming industry.

(e) The Executive Director shall not issue a provisional service provider license to any provider who is not currently licensed as a casino service provider authorized to transact business with casinos in the State of Nevada or any other U.S. jurisdiction. The Executive Director shall only issue a provisional service provider license to a provider who is licensed as a casino service provider authorized to transact business with casinos in Nevada or any other U.S. jurisdiction only for the limited purpose of providing the exact devices and services the provider is licensed to provide to casinos in the State of Nevada or any other U.S. jurisdiction. No holder of a provisional service provider license may provide any device, machine, service or thing it is not presently licensed to provide to unrestricted licensees in the State of Nevada or any other U.S. jurisdiction.

(f) The Executive Director may use the information the applicant supplied with his application for a casino service industry license required by § 175-10.1-1305 in considering whether to issue the provisional license, and may require any additional information he deems necessary for consideration of the issuance of the provisional license.

(g) The application fee for the provisional license is one half of the amount charged by the Commission for a casino service industry license required by § 175-10.1-1305. This amount must be paid at the time of filing of the application for the license, is a separate fee and will not be credited to any other amount owed by the applicant to the Commission or the Commonwealth.

Modified, 1 CMC § 3806(f)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1390 Casino Vendor License.

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- (a) Any person or entity who is not a holder of a casino service provider license issued pursuant to [§ 175-10.1-1305](#) who transacts more than two hundred fifty thousand dollars per calendar or fiscal year with the casino licensee (including any and all of its affiliate companies) must obtain from the Commission a casino vendor license or a provisional casino vendor license.
- (b) The casino licensee (including any and all of its affiliate companies) shall not transact more than two hundred fifty thousand dollars per calendar or fiscal year with any person, entity, or affiliated group of persons or entities if said person, entity or affiliated group of persons or entities does not possess a valid casino vendor license or provisional casino vendor license issued pursuant to these regulations.
- (c) Casino vendor licenses pursuant to subsection (a) are not required for the following persons provided they engage solely in the following transactions:
- (1) Landlords renting to the casino licensee or its affiliated companies;
  - (2) Landowners selling real estate to the casino licensee or its affiliated companies;
  - (3) Financial companies providing banking services to the casino licensee or its affiliated companies;
  - (4) Airlines selling airfare to the casino licensee or its affiliated companies;
  - (5) Insurance companies selling insurance policies to the casino licensee or its affiliated companies;
  - (6) Hotels renting rooms to the casino licensee or its affiliated companies;
  - (7) Agencies or political subdivisions of the Commonwealth government;
  - (8) Regulated public utilities;
  - (9) Attorneys providing legal services;
  - (10) Accountants providing accountancy services;
  - (11) Insurance companies underwriting risk or selling policies of insurance;
  - (12) Shipping companies providing transportation of goods;
  - (13) Telecommunication companies providing communication service;
  - (14) Charitable donations to recognized non-profit organizations;
  - (15) Approved educational/training institutions.

Modified, [1 CMC § 3806](#)(e)–(g).

History: Amdts Adopted 39 Com. Reg. 39761 (July 28, 2017); Amdts Proposed 39 Com. Reg. 39169 (Jan. 30, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1395 Provisional Casino Vendor License.**

- (a) The Executive Director may, in his sole and absolute discretion, issue a provisional service provider license to any person who applies for a license as a casino vendor required by § 175-10.1-1390, provided such applicant also applies for a provisional license pursuant to this section.
- (b) The provisional casino service provider license shall be valid for such time as the applicant's casino vendor license is pending with the Commission for investigation, consideration, determination of suitability and any other period before the Commission (1) grants

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the license; or (2) rejects the application.

(c) If the applicant withdraws his application for a casino service provider license required by § 175-10.1-1390, the provisional license issued by the Executive Director pursuant to § 175-10.1-1395(a) shall immediately expire.

(d) In determining whether to issue a provisional service provider license pursuant to § 175-10.1-1395(a), the Executive Director must consider whether issuing such vendor license will bring disrepute to the Commonwealth or the gaming industry.

(e) The Executive Director shall not issue a provisional vendor license to any provider who must register as a casino service provider or casino service industry license required by § 175-10.1-1305.

(f) The Executive Director may use the information the applicant supplied with his application for a casino vendor license required by § 175-10.1-1390 in considering whether to issue the provisional license, and may require any additional information he deems necessary for consideration of the issuance of the provisional license.

(g) The application fee for the provisional license is one half of the amount charged by the Commission for a casino vendor license. This amount must be paid at the time of filing of the application for the provisional license, is a separate fee and will not be credited to any other amount owed by the applicant to the Commission or the Commonwealth.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 1400 - HEARINGS: GENERAL PROVISIONS**

#### **§ 175-10.1-1401 Definitions.**

As used in this chapter, the term:

(a) “Contested Case” means any proceeding, including any licensing proceedings, in which the legal right, duties, obligations, privileges, benefits, or other legal relation of specific parties are required by constitutional rights or by statute to be determined by any agency by decisions, determinations, or orders, addressed to a party or disposing of its interest after opportunity for an agency hearing.

(b) “Interested Person” means any person whose specific legal rights, duties, obligations, privileges, benefit, or other specific legal relation are affected by the adoption, amendment, or repeal of a specific regulation or by any decision, order, or ruling of the Commission.

(c) “Party” means any person or entity directly involved in a contested case, including petitioner, respondent, intervener, or agency of the Commonwealth of the Northern Mariana

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Islands proceeding in any such capacity.

(d) “Emergency Orders” means an order issued by the Commission for immediate action/relief.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1405 Applicability of Rules.

(a) In addition to the Administrative Procedure Act (APA), the provisions of the Act and these regulations apply to an appropriate contested case hearing.

(b) To the extent that the Act inconsistent with APA, the Act shall apply. To the extent that these regulations are inconsistent with the APA, the APA shall apply unless the Act allows for the Commission to promulgate regulations inconsistent with the APA, in which case the regulations shall apply.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1410 Conduct of Contested Case Hearings.

(a) At all hearings of the Commission in contested cases, unless the Commission hears the matter directly, the Chairman may designate a member of the Commission to serve as a hearing commissioner or shall designate a hearing examiner to serve as a hearing officer. When the Commission hears the matter directly, the Chairman must serve as presiding officer, unless he be absent in which case the Vice Chairman shall serve as presiding officer.

(b) In the event that the designated hearing commissioner is unavailable prior to the filing of the recommended report and decision for consideration by the Commission, the Chairman may either designate another hearing commissioner or transfer the proceedings to the entire Commission. In such event, and consistent with the requirements of due process, the Commission or the designated hearing commissioner may either continue the hearing and render a decision upon the entire record or begin the hearing anew.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1415 Rules Concerning All Contested Cases.

(a) Whether a contested case hearing is conducted by the Commission, by a hearing commissioner or hearing examiner, in addition to any authority granted in the Act or the APA, the Chairman, the hearing commissioner or the hearing examiner, as the case may be, has the authority to:

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- (1) Administer oaths and to require testimony to;
  - (2) Serve process or notices in a manner provided for the service of process and notice in civil actions in accordance with the rules of court;
  - (3) Issue subpoenas and compel the attendance of witnesses;
  - (4) Propound written interrogatories;
  - (5) Take official notice of any generally accepted information or technical or scientific manner in the field of gaming and any other fact which may judicially noticed by the courts of this Commonwealth; and
  - (6) Permit the filing of amended or supplemental pleadings.
- (b) Whether a contested case hearing is conducted by the Commission, a hearing commissioner or hearing examiner, and in addition to any rights granted in the Act or the APA, the parties have the right to:
- (1) Call and examine witnesses;
  - (2) Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing conducted by or on behalf of the Commission;
  - (3) Cross examine opposing witnesses in any matters relevant to the issues of the case;
  - (4) Impeach any witness, regardless of which party called him to testify;
  - (5) Offer rebuttal evidence; and
  - (6) Stipulate and agree that certain specified evidence may be admitted, although such evidence may be otherwise subject to objection.
- (c) In any contested case, the Commission has authority to:
- (1) Grant testimonial immunity, and
  - (2) Order a rehearing.
- (d) In any contested case held, the following special rules of evidence apply:
- (1) Any relevant evidence, not subject to a claim of privilege, may be admitted regardless of any rule of evidence which would bar such evidence in judicial matters;
  - (2) Evidence admitted pursuant to subsection (c)(1) is sufficient in itself to support a finding if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs; and
  - (3) If an applicant, licensee, registrant, or person that is qualified pursuant to the Act and these regulations is a party, then such party may testify on its behalf; the party may also be called and examined as if under cross-examination in a judicial matter.

Modified, 1 CMC § 3806(d), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1420 Rights to Hearing; Request; Notice.**

- (a) When the Commission has been provided with all required information necessary for action, the Commission must serve the applicant personally, by certified mail to the address on file with the Commission, by facsimile, electronic mail, or secured email, a written notice of the applicant's right to a hearing and the applicant's responsibility to request a hearing. The Commission may on its own motion direct a hearing to be held.

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(b) The applicant may file with the Commission a request for hearing within fifteen days after service of the written notice of right to a hearing and responsibility to request a hearing.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed “by certified mail, to the address on file with the Commission or by facsimile or electronic mail, or secured email” to “by certified mail to the address on file with the Commission, by facsimile, electronic mail, or secured email” and changed a semicolon to a period in (a) pursuant to 1 CMC § 3806(g).

### **§ 175-10.1-1425 Procedure when No Hearing is Held.**

In any case in which no timely request for a hearing has been filed in which the Commission has not directed a hearing, the Commission must take a final action on the application within ninety days after the receipt of all required information and the completion of any investigation.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1430 Burden of Proof for Applications.**

(a) The applicant, licensee, or registrant has the affirmative responsibility of establishing its individual qualifications by clear and convincing evidence.

(b) An applicant for a casino license has the affirmative responsibility of establishing by clear and convincing evidence:

- (1) Individual qualification;
- (2) The qualification of each person who is required to be qualified under these regulations; and
- (3) The qualification of the facility in which the casino is to be located.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1435 Approval and Denial of Applications.**

(a) The Commission has the authority to grant or deny any application pursuant to the provisions of the Act and of these regulations;

(b) Before granting any application other than for a casino license, the Commission must:

- (1) Limit or place such restrictions thereupon as the Commission may deem necessary in the public interest; and
- (2) Require the applicant to tender all license fees as required by law and regulations adopted pursuant to the Act.

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Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 1500 - RULES CONCERNING PROCEEDINGS AGAINST APPLICANTS, LICENSEES, AND REGISTRANTS**

#### **§ 175-10.1-1501 Commencement of Complaint.**

Any proceeding against an applicant, temporary licensee, provisional licensee, or licensee must be initiated and indicated by a written complaint; the complaint must include a statement set forth in an ordinary and concise language the charges and acts or omissions supporting such charges. A complaint may be amended as may be necessary prior to the end of the Hearing on the Complaint. The respondent may answer by filing an amended notice of defense in response to any amended complaint within 20 days or within some other time the hearing officer or Commission determines is just.

Modified, 1 CMC § 3806(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2017) and 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-1505 Service of Complaint.**

Within fourteen days of filing of the complaint, the Commission must serve a copy upon the applicant, temporary licensee, provisional licensee, or licensee personally, by certified mail, by facsimile, or electronic mail or by secured email to the physical or email address on the file with the Commission.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-1510 Notice of Defense.**

(a) Within fifteen days after service of the complaint, the applicant, licensee, temporary licensee, provisional licensee, holder of a finding of suitability or qualification, or registrant may file with the Commission a notice of defense, in which he may:

- (1) Request a hearing;
- (2) Admit or deny the allegations in whole or in part;
- (3) Present new matters or explanations by way of defense; or
- (4) State any legal objection to the complaint.

(b) Within the time specified, the applicant, licensee, temporary licensee, provisional licensee, holder of a finding of suitability or qualification, or registrant may file one or more notices of defense upon any or all of the above grounds.

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(c) The failure to specifically deny any fact, issue, or part of the complaint serves as an admission thereto.

(d) The parties may stipulate to an extension of the time which the Notice of Defense must be filed. Absent a stipulation, the respondent may seek from the Commission, Chairman, or Hearing Officer an extension of no more than 10 days to file a Notice of Defense or Amended Notice of Defense.

Modified, 1 CMC § 3806(e), (g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2018) and 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1515 Right to Hearing; Waiver.**

The applicant, licensee, temporary licensee, provisional licensee, holder of a finding of suitability or qualification, or registrant is entitled to an evidentiary hearing on the complaint if it files and serves the required notice of defense within the time allowed herein; such notice of defense is deemed a specific admission of all parts of the complaint which are not expressly denied. Failure to file and serve a notice of defense within such time constitutes a waiver of the right of the hearing, but the Commission, in its discretion may nevertheless order a hearing. All affirmative defenses must be specifically stated, and unless objection is taken, as provided therein, all objections to the form of complaint are deemed waived.

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1520 Notice of Hearing.**

The Commission will determine the time and place of hearing as soon as is reasonably practical after receiving the notice of defense. The Commission will deliver or send by certified mail, facsimile, or email a notice to all parties at least ten days prior to the hearing.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1525 Revocation of License or Registration; Hearing.**

(a) The Commission will not revoke or suspend any license, registration, or finding of qualification or suitability unless it has first afforded the licensee, registrant, or holder opportunity for a hearing.

(b) Notwithstanding subsection (a), the Executive Director may suspend a temporary casino employee license, provisional casino vendor license, provisional casino service provider license, provisional junket operator license, or temporary key employee license pursuant to § 175-10.1-1915 without a hearing but notice must be provided to the employee, key employee, or



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provisional licensee, and the casino licensee of such suspension and the applicant shall be given an opportunity to cure the deficiency promptly.

Modified, 1 CMC § 3806(d), (g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1530 Emergency Orders; Hearings; Complaints.

Within five days after the issuance of an emergency order pursuant to these regulation, the Commission will cause a complaint to be filed and served upon the person involved in accordance with the provisions of this Part. Thereafter, the person against whom the emergency order has been issued and served is entitled to a hearing before the Commission. A person may request a hearing in accordance with the provisions of § 175-10.1-1510.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## Part 1600 - PETITIONS FOR DECLARATORY RULINGS

### § 175-10.1-1601 Definitions.

(a) Definitions:

(1) “Contested Case” means any pending license suspension or revocation proceeding pursuant to these rules.

(2) “Declaratory Ruling” means a ruling on the meaning or application of a statute, regulation, or decision or order entered by the Commission, and does not include the granting of approvals, findings of suitability, or other determinations that require the filing of an application as defined by the Commission.

(3) “Interested Person” means any applicant, licensee, registrant, person found suitable or unsuitable, or a group or association of such licensees, registrants or persons. The term also includes a governmental agency or political subdivision of the Commonwealth.

(4) “Petitioner” means an interested person who has filed a petition for a declaratory ruling in accordance with the provisions of subsection§ 175-10.1-230(c).

(5) “Regulatory Comment” means a written statement or prepared testimony of the Executive Director that analyzes any issue raised by a petition for a declaratory ruling without taking a position in opposition to or in support of such a petition.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1605 Purpose of Declaratory Rulings.

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A declaratory ruling is an extraordinary remedy that may be considered by the Commission only when the objective of the petitioner cannot reasonably be achieved by other means and when the ruling would be significant to the regulation of gaming or to the gaming industry.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1610 Petitions for Declaratory Rulings.

- (a) Any person may petition the Commission for a declaratory ruling.
- (b) A petition for a declaratory ruling shall be filed with the Secretary, together with a nonrefundable filing fee in to the Commission in the amount of two hundred dollars unless the petitioner is the Commission or a governmental agency or political subdivision of the Commonwealth, in which case there shall be no filing fee. A copy of the petition must be served by the petitioner upon the Attorney General within three working days of the date of filing.
- (c) The Secretary shall maintain and keep current a list of persons who have requested notice of petitions for declaratory rulings and shall transmit a copy of such list to a petitioner as soon as practicable after the filing of a petition for declaratory ruling. Persons shall pay a fee of one hundred dollars per fiscal year for inclusion on the list, but such fee is waived for governmental agencies and political subdivisions of the Commonwealth. The petitioner shall serve a copy of the petition by personal delivery or first-class mail upon each person on such list no later than seven days after receiving such list and shall provide an affidavit of service to the secretary. Each person receiving a copy of the petition for declaratory ruling may, within seven days after receipt, request the Secretary to provide him notice of the time set for the hearing on the petition for declaratory ruling.
- (d) The petition for a declaratory ruling must contain:
- (1) The name, business address and telephone number of the petitioner;
  - (2) A statement of the nature of the interest of the petitioner in obtaining the declaratory ruling;
  - (3) A statement identifying the specific statute, regulation or commission decision or order in question;
  - (4) A clear and concise statement of the interpretation or position of the petitioner relative to the statute, regulation, or commission decision or order in question;
  - (5) A description of any contrary interpretation, position, or practice that gives rise to the petition;
  - (6) A statement of the facts and law that support the interpretation of the petitioner;
  - (7) A statement of any contrary legal authority including authority that is binding and merely persuasive;
  - (8) A statement showing why the subject matter is appropriate for Commission action in the form of a declaratory ruling and why the objective of the petitioner cannot reasonably be achieved by other administrative remedy;
  - (9) A statement identifying all persons or groups who the petitioner believes will be affected by the declaratory ruling, including the gaming industry as a whole, and the manner in which the petitioner believes each person will be affected;

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- (10) The signature of the petitioner or his legal representative; and
- (11) An affidavit of service upon the Attorney General.

(e) An interested person may not file a petition for declaratory ruling involving questions or matters that are issues in a contested case in which the interested person is a party.

Modified, 1 CMC § 3806(e)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1615 Scheduling of Petitions for Hearing.**

(a) If, within thirty days of the date the petition for declaratory ruling was filed, the Chairman does not cause the Secretary to schedule the petition for declaratory ruling for hearing at a meeting of the Commission, the Secretary shall notify the other members of the Commission. Any member of the Commission may, within fifteen days of such notification, cause the Secretary to schedule the petition for declaratory ruling for hearing at a meeting of the Commission.

(b) The Executive Director shall notify the Chairman through the Secretary within thirty days of the date the petition for declaratory ruling was filed if the Executive Director objects to consideration of the petition.

(c) The Chairman and any other member may consult with the Executive Director or legal counsel or any employee of the Commission before deciding whether to cause a petition for declaratory ruling to be scheduled for hearing at a meeting of the Commission.

(d) If a petition for declaratory judgment is not scheduled for hearing pursuant to this subsection, it is deemed dismissed.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1620 Response to Petition; Regulatory Comments; Briefs and Appearances by Interested Persons.**

(a) If a petition is scheduled for a hearing at a meeting of the Commission, the Secretary shall give the Petitioner, the Executive Director and each person requesting notice of hearing pursuant to § 175-10.1-1610(c) at least thirty days' notice of the time set for the hearing.

(b) The Executive Director may file with the Commission a written response in opposition to or in support of a petition for declaratory ruling no later than thirty days after notice from the Secretary, unless the time is extended by the Chairman.

(c) The Executive Director may file with the Commission a regulatory comment at any time at least ten days before the time set for the hearing on the petition for a declaratory ruling.

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(d) The petitioner and any interested person may file a brief in support of or in opposition to a petition for declaratory ruling at least thirty days before the time set for the hearing on the petition for declaratory ruling. Such brief shall substantially comply with the requirements for petitions for declaratory rulings provided in § 175-10.1-1610.

(e) The petitioner may file a reply to a response by the Executive Director or a brief by another interested person at least fifteen days before the time set for the hearing on the petition for declaratory ruling.

(f) The Commission, in the discretion of the Chairman, may permit the petitioner or interested person, whether or not he filed a brief, to present oral argument at the hearing on the petition for declaratory ruling.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1625 Disposition of Petitions for Declaratory Ruling.**

(a) The Commission, with or without oral argument, may dismiss the petition, in whole or in part, for any reason.

(b) If the Commission issues a ruling on the petition, its order shall delineate the Commission's interpretation of the meaning or application of the statute, regulation, decision, or order that is the subject of the petition.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## **Part 1700 - HEARING ON REGULATIONS**

### **§ 175-10.1-1701 Hearings on Regulations.**

(a) The Commission must adopt, amend, and repeal regulations in accordance with the provisions of the Administrative Procedure Act;

(b) Consistent with the requirements of the Act and the Administrative Procedure Act, the Commission may, in its discretion, conduct hearings concerning the adoption, amendment, or repeal of its regulations.

(c) Any public hearing held in connection with the propose regulation shall be conducted in accordance with the Administrative Procedures Act.

(d) The Commission must provide at least fifteen days' notice of any public hearing conducted in connection with the proposed regulation. Such notice must be published in the

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Commonwealth Register or provided in a manner reasonably calculated to reach the interested public in accordance with 1 CMC § 9104.

(e) At the hearing held in connection with the proposed regulations, all people will be afforded the opportunity to attend and to appear before the Commission to submit oral testimony in support of or in opposition to the proposed regulations. Such participation does not include the right to present evidence or to cross-examine witnesses, which may be permitted solely in the discretion of the Commission.

(1) The Commission may require notice in advance of the date of the proceedings of any individual's intent to participate.

(2) This section shall not be construed to establish a right of any individual to appear before the Commission in the event that the Commission may act at a subsequent date to adopt the proposed regulations.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 1800 - OPERATION GENERALLY**

#### **§ 175-10.1-1801 Methods of Operation.**

(a) It is the policy of the Commission to require that all establishments wherein gaming is conducted in this Commonwealth be operated in a manner suitable to protect the public health, safety, morals, good order, and general welfare of the inhabitants of the Northern Mariana Islands.

(b) Responsibility for the employment and maintenance of suitable methods of operation rests with the licensee, and willful or persistent use or toleration of methods of operation deemed unsuitable will constitute grounds for license revocation or other disciplinary action.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-1805 Grounds for Disciplinary Action.**

(a) The Commission deems any activity on the part of the casino gaming licensee, its agents, or employees, that is inimical to the public health, safety, morals, good order, and general welfare of the people of the Commonwealth, or that would reflect or tend to reflect discredit upon the Commonwealth of the Northern Mariana Islands or the gaming industry, to be an unsuitable method of operation and shall be grounds for disciplinary action by the Commission in accordance with the Act and the regulations.

(b) Without limiting the generality of the foregoing, the following acts or omissions, in addition to any other act or omission deemed an unsuitable method by the Commission, may be determined to be unsuitable methods of operation:

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- (1) Failure to exercise discretion and sound judgment to prevent incidents which might reflect on the repute of the Commonwealth and act as a detriment to the development of the industry.
- (2) Permitting persons who are visibly intoxicated to participate in gaming activity.
- (3) Complimentary service of intoxicating beverages in the casino area to persons who are visibly intoxicated.
- (4) Failure to conduct advertising and public relations activities in accordance with decency, dignity, good taste, honesty and inoffensiveness, including, but not limited to, advertising that is false or materially misleading.
- (5) Catering to, assisting, employing or associating with, either socially or in business affairs, persons of notorious or unsavory reputation or who have extensive police records, or persons who have defied congressional investigative committees, or other officially constituted bodies acting on behalf of the United States, or any state, or commonwealth or territory, or persons who are associated with or support subversive movements, or the employing either directly or through a contract, or any other means, of any firm or individual in any capacity where the repute of the Commonwealth or the gaming industry is liable to be damaged because of the unsuitability of the firm or individual or because of the unethical methods of operation of the firm or individual.
- (6) Employing in a position for which the individual could be required to be licensed as a key employee pursuant to the provisions of these regulations, any person who has been denied a Commonwealth gaming license on the grounds of unsuitability or who has failed or refused to apply for licensing as a key employee when so requested by the Commission.
- (7) Employing in any gaming operation any person whom the Commission or any court has found guilty of cheating or using any improper device in connection with any game, whether as a licensee, dealer, or player at a licensed game or device; as well as any person whose conduct of a licensed game as a dealer or other employee of a licensee resulted in revocation or suspension of the license of such licensee.
- (8) Failure to comply with or make provision for compliance with all federal, Commonwealth, state and local laws and regulations and with all Commission approved conditions and limitations pertaining to the operations of a licensed establishment including, without limiting the generality of the foregoing, payment of all license fees, withholding any payroll taxes, liquor and entertainment taxes. The Commission in the exercise of its sound discretion can make its own determination of whether or not the licensee has failed to comply with the aforementioned, but any such determination shall make use of the established precedents in interpreting the language of the applicable statutes. Nothing in this section shall be deemed to affect any right to judicial review.
- (9)(i) Possessing or permitting to remain in or upon any licensed premises any cards, dice, mechanical device or any cheating device whatever, the use of which is prohibited by statute or regulation, or
- (ii) Conducting, carrying on, operating or dealing any cheating or thieving game or device on the premises, either knowingly or unknowingly, which may have in any manner been marked, tampered with or otherwise placed in a condition, or operated in a manner, which tends to deceive the public or which might make the game more liable to win or lose, or which tends to alter the normal random selection of criteria which determine the results of the game.
- (10) Failure to conduct gaming operations in accordance with proper standards of custom, decorum and decency, or permit any type of conduct in the gaming establishment which

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reflects or tends to reflect on the repute of the Commonwealth and act as a detriment to the gaming industry.

(11) Issuing credit to a patron to enable the patron to satisfy a debt owed to another licensee or person, including an affiliate of the licensee.

(12) Whenever a licensed game, machine or gaming activity is available for play by the public, failing to have a licensed employee of the licensee present on the premises to supervise the operation of the game, machine or activity;

(13) Denying any Commission member or agent, upon proper and lawful demand, access to, inspection or disclosure of any portion or aspect of a gaming establishment as authorized by applicable statutes and regulation.

(14) Failure to immediately provide information when requested or demanded by an employee, agent, or member of the Commonwealth Casino Commission.

(15) Breaching any contract.

(16) Knowingly or willfully operating any game or conducting any gaming activity in a manner not approved by the Commission or in a manner violative of an applicable law, regulation, internal control, or rule of the game.

(17) Failure to make efforts to collect on gaming credit from patrons pursuant to approved Commission Regulation.

Modified, 1 CMC § 3806(a), (f), (g).

History: Amdts Adopted 40 Com. Reg. 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2017) and 39 Com. Reg. 40084 (Sept. 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission renumbered (9)(1) and (9)(2) to (9)(i) and (9)(ii) pursuant to 1 CMC § 3806(a).

### **§ 175-10.1-1810 Publication of Pay-offs.**

(a) Except as specifically provided herein, payoff schedules or award cards applicable to every licensed game or slot machine shall be displayed at all times either on the table or machine or in a conspicuous place immediately adjacent thereto. In the case of craps, keno, and faro games the foregoing requirement will be satisfied if published payoff schedules are maintained in a location readily accessible to players and notice of the location of such schedule is posted on or adjacent to the table. In the case of slot machines, the foregoing requirements will be satisfied if:

(1) The player is at all times made aware that payoff schedules or award cards applicable to any game offered for play are readily accessible and will be displayed on the video display screen of the device upon the initiation of a command by the player, or

(2) The award cards of any game offered for play are displayed at all times when the device is available for play.

(b) Payoff schedules or award cards must accurately state actual payoffs or awards applicable to the particular game or device and shall not be worded in such manner as to mislead or deceive the public. Maintenance of any misleading or deceptive matter on any payoff schedule or award card or failure on the part of a licensee to make payment in strict accordance with posted payoff schedules or award cards may be deemed an unsuitable method of operation.

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Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1815 Criminal Conviction Grounds for Revocation or Suspension.**

The Commission may revoke or suspend any license issued by the Commission or finding of suitability of a person who is convicted of a crime, even though the convicted person's post-conviction rights and remedies have not been exhausted, if the crime or conviction discredits or tends to discredit the Commonwealth or the gaming industry.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1820 Violation of Law or Regulations.**

Violation of any provision of the Act or of these regulations by a licensee, his agent, or employee shall be deemed contrary to the public health, safety, morals, good order, and general welfare of the inhabitants of the Commonwealth and grounds for suspension or revocation of a license. Acceptance of a Commonwealth gaming license or renewal thereof by a licensee constitutes an agreement on the part of the licensee to be bound by all of the regulations of the Commission as the same now are or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the content of all such regulations, and ignorance thereof will not excuse violations.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1825 Investigation of Conduct of Licensees, Generally.**

Any gaming license, including but not limited to: a casino license, a service provider license, a vendor license, a casino employee license, and a key casino employee license is a revocable privilege, and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder. The burden of proving his qualifications to hold any license rests at all times on the licensee. The Commission is charged by law with the duty of observing the conduct of all licensees to the end that licenses shall not be held by unqualified or disqualified persons or unsuitable persons or persons whose operations are conducted in an unsuitable manner.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1830 Reports of Violations and of Felony Convictions.**

(a) The casino gaming licensee, each service provider licensee, each casino employee licensee, and each key casino employee licensee shall immediately notify the Commission by telephone and within 24 hours notify the Commission in writing of: (1) any violation or



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suspected violation of any gaming law regarding which the licensee has notified the local police, and (2) the discovery of any violation of the Act, regulations, Minimum Internal Control Standards, or Internal Control Standards.

(b) Any person holding a license, registration, or finding of suitability who is convicted of a felony in the Commonwealth or is convicted of an offense in another state or jurisdiction which would be a felony if committed in the Commonwealth shall notify the Commission in writing within ten business days of such conviction.

(c) A casino licensee, casino key employee, casino employee, casino service provider, casino vendor, junket operator, or any holder of any provisional license issued by the CCC, including their owners, managers, members, employees, agents and affiliates, shall not in any way discharge, or negatively impact the terms or conditions of employment of, or in any manner discriminate or retaliate against an employee or other person who provides information required by (a) or who gives information or aid of any kind, or who is believed to have given information or aid of any kind, to CCC staff enforcing federal, state, or Commonwealth laws or regulations of any kind.

Modified, 1 CMC § 3806(e)–(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2017); Amdts Adopted 39 Com. Reg. 39761 (July 28, 2017); Amdts Proposed 39 Com. Reg. 39169 (Jan. 30, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1835 Access to Premises and Production of Records.**

(a) No applicant for any gaming license, including but not limited to: a casino gaming license, a service provider license, a casino employee license, and a key casino employee license, shall neglect or refuse to produce records or evidence or to give information upon proper and lawful demand by a Commission member or any agent of the Commission or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by the Commission, or any Commission agent to produce such information.

(b) No licensee or enrolled person shall neglect or refuse to produce records or evidence or to give information upon proper and lawful demand by a Commission member or any agent of the Commission or shall otherwise interfere, or attempt to interfere, with any proper and lawful efforts by the Commission, or any Commission agent to produce such information.

(c) Each licensed manufacturer, licensed distributor or seller, licensed casino, and licensed casino service provider, shall immediately make available for inspection by any Commission member or agent all papers, books, and records produced by any gaming business and all portions of the premises where gaming is conducted or where gambling devices or equipment are manufactured, sold, or distributed. Any Commission member or agent shall be given immediate access to any portion of the premises of any casino licensee or casino service provider for the purpose of inspecting or examining any records or documents required to be kept by such licensee under the regulations and any gaming device or equipment or the conduct of any gaming activity.

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Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1840      **Summoning of Licensee.**

The Commission may summon any licensee or its agents or employees to appear to testify before it or its agents with regard to the conduct of any licensee or the agents or employees of any licensee. All such testimony shall be under oath and may embrace any matters which the Commission or its agents may deem relevant to the discharge of its official duties. Any person so summoned to appear shall have the right to be represented by counsel. Any testimony so taken may be used by the Commission as evidence in any proceeding or matter then before it or which may later come before it. Failure to so appear and testify fully at the time and place designated, unless excused by the Commission, shall constitute grounds for the revocation or suspension of any license held by the person summoned, his principal or employer.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1845      **Unauthorized Games.**

No casino gaming licensee shall permit any game to be operated or played without first applying for and receiving permission from the Commission to operate such game. The violation of this regulation may be deemed an unsuitable method of operation.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1850      **Unlicensed Games or Devices.**

(a) No unlicensed gambling games shall be operated upon the premises of the casino gaming licensee, nor shall the licensee expose in an area accessible to the public any machine, fixture, table, or device which may be used in the operation of a gambling game without first having paid all current fees and taxes applicable to such games.

(b) Whenever the casino gaming licensee desires to temporarily remove or suspend a game from a licensed status, the licensee shall provide advanced written notice to the Commission stating the type and number of games sought to be suspended, the initial date and duration of the proposed suspension, and in addition to such notice, the licensee shall thereafter physically remove the gaming device from any area exposed to the public.

(c) Before any game or gaming device suspended from a licensed status in accordance with the foregoing procedure may be reactivated and placed into play, the casino gaming licensee shall advise the Commission in writing of its intention and date to reactivate such game, and pay all fees and taxes applicable to said game, and upon the Commission's re-inspection of any gaming device previously sealed, the game may be exposed to play.

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Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1855 Collection of Gaming Credit.

(a) Only bonded, duly licensed collection agencies, or a licensee's employees, junket representatives, or attorneys, may collect, on the casino gaming licensee's behalf and for any consideration, gaming credit extended by the licensee.

(b) Notwithstanding the provisions of subsection (a), the casino gaming licensee shall not permit any person who has been found unsuitable, or who has been denied a gaming license of any kind, or who has had a gaming license of any kind revoked, to collect, on the licensee's behalf and for any consideration, gaming credit extended by the casino gaming licensee.

(c) Each licensee shall maintain for the Commission's inspection records that describe credit collection arrangements and that include any written contracts entered into with the persons described in subsection (a).

(d) The casino gaming licensee and its agents shall be required to collect, at a minimum, the greater of one million dollars or 10% of the gaming credit within 120 days of the settled gaming credit from each respective patron. If the casino gaming licensee fails to collect this required minimum, the casino gaming licensee must provide within 30 days after this 120 day minimum amount collection period the following:

(1) A schedule listing the patron(s) who failed to pay this minimum amount and balances due to the casino gaming licensee, and

(2) Copies of the documentations substantiating good faith efforts made in collection attempts.

(e) Casino gaming licensee and its agents are required to pursue the actions listed below according to the associated aging periods of uncollected gaming credit beginning from gaming credit settlement date:

(1) Uncollected gaming credit over 360 days must be referred for legal action against the patron and guarantor, if any.

(2) Uncollected gaming credit over 270 days must be netted with all front money or safekeeping deposits from patron and guarantor, if any.

(3) Uncollected gaming credit over 120 days must have serious collection efforts performed and logged, along with recurring follow-ups with the patron and guarantor, if any.

(4) Uncollected gaming credit equal to or less than 120 days must have active collection efforts performed and logged.

Modified, 1 CMC § 3806(e)-(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 40308 (Oct. 28, 2017) and 39 Com. Reg. 39973 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

**§ 175-10.1-1860 Surveillance Systems.**

(a) The Commission shall adopt standards for the installation, maintenance and operation of casino surveillance systems at all licensed establishments. The purposes of a casino surveillance system are to assist the casino gaming licensee and the Commonwealth in safeguarding the licensee's assets; in deterring, detecting, and prosecuting criminal acts; and in maintaining public confidence and trust that licensed gaming is conducted honestly and free of criminal elements and activity.

(b) The casino gaming licensee shall install, maintain, and operate a casino surveillance system in accordance with the casino surveillance standards adopted by the Commission. The failure of a licensee to comply with this section and the casino surveillance standards adopted by the Commission is an unsuitable method of operation.

(c) The casino gaming licensee must submit a written casino surveillance system plan to the Commission. The plan must be in a form approved or required by the Commission, and must include a description of all equipment utilized in the casino surveillance system, a blueprint or diagram that shows all of the areas to be monitored and the placement of surveillance equipment in relation to the activities being observed, a description of the procedures utilized in the operation of the casino surveillance system, and any other information required by the casino surveillance standards. If the licensee does not conduct an activity that is addressed in the casino surveillance standards, then the plan must include a statement to that effect. The plan must be amended and the amendments to the plan or the plan as amended must be submitted to the Commission on an annual basis by the licensee, to reflect any modification made to the licensee's casino surveillance system during the preceding year that resulted from (1) the repeal or revision of any existing casino surveillance standard or the adoption of any new casino surveillance standard, (2) a change in the layout or configuration of any area required to be monitored, or (3) any exemption granted by the Commission. If no such modifications were made, then the licensee must submit a statement to the Commission to that effect.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

**Part 1900 - GAMING EMPLOYEE LICENSURE**

**§ 175-10.1-1901 Licensure and Registration Required: Casino Employee.**

No person shall be employed as a casino employee unless such person is temporarily licensed or licensed as a casino employee in accordance with these regulations. Licensure shall last for the duration specified by the Commission; provided that annual registrations of the casino employee license are required in a form to be determined by the Executive Director or by the Commission.

Modified, 1 CMC § 3806(a), (f).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission renumbered (a) pursuant to 1 CMC § 3806(a).

### § 175-10.1-1905 Licensure and Registration Required: Casino Key Employee.

No person shall be employed as a casino key employee unless such person is provisionally licensed or licensed as a casino key employee in accordance with these regulations. Licensure shall last for the duration specified by the Commission; provided that annual registrations of the casino key employee license are required in a form to be determined by the Executive Director or by the Commission.

Modified, 1 CMC § 3806(a), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission renumbered (a) pursuant to 1 CMC § 3806(a).

### § 175-10.1-1910 Temporary Licensure; Provisional Licensure.

(a) A person is deemed temporarily licensed as a casino employee upon submission by the casino licensee of an application for licensure to the Commission for the applicant, unless otherwise determined by the Commission or the Executive Director. The person to be employed is not the applicant and is merely a beneficiary of the application process. The casino licensee may withdraw the application at any time without notice to or approval from the proposed employee beneficiary.

(b) The application for licensure is an application package, in electronic or paper form, containing all the components of a complete application for registration for a casino employee or a casino key employee or renewal of licensure of the same consisting of, at a minimum:

- (1) The online or paper form for application promulgated by the Executive Director for licensure or renewal of licensure as a casino employee or casino key employee in electronic or paper form;
- (2) Two sets of fingerprints of the applicant or, if applicable, proof that the applicant's fingerprints were previously submitted electronically or by another means to the Commission;
- (3) The applicable fee for licensure or renewal; and
- (4) The statement promulgated in § 175-10.1-925.

(c) Temporary licensure as a casino employee is valid for a period of one hundred eighty days after an application for licensure is received by the Commission, unless objected to by the Executive Director, or otherwise suspended or revoked.

(d) The Executive Director may promulgate different forms for casino employees and casino key employee applications.

(e) The Executive Director may, in his sole and absolute discretion, issue a provisional casino key employee license to any person who applies for a license as a casino key employee by § 175-10.1-1905, provided such applicant applies for a provisional license pursuant to this

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section.

(f) The provisional casino key employee license shall be valid for such time as the applicant's casino key employee license application is pending with the Commission for investigation, consideration, determination of suitability and any other period before the Commission (1) grants the license; or (2) rejects the application.

(g) If the applicant withdraws his application for a casino key employee license required by § 175-10.1-1905, the provisional license issued by the Executive Director pursuant to § 175-10.1-1910(e) shall immediately expire.

(h) In determining whether to issue a provisional casino key employee license pursuant to § 175-10.1-1910(e), the Executive Director must consider whether issuing such license will bring disrepute to the Commonwealth or the gaming industry.

(i) The Executive Director shall not issue a provisional key employee license to any person who is not currently licensed as a casino key employee in the CNMI or any other US jurisdiction, but the Executive Director may issue a provisional key employee license to any person who was licensed as a casino key employee any other US jurisdiction within the last five years, but who surrendered their licensure while in good standing upon termination of their employment in the jurisdiction.

(j) The Executive Director may use the information the applicant supplied with his application for a casino key employee license required by § 175-10.1-1905 in considering whether to issue the provisional license, and may require any additional information he deems necessary for consideration of the issuance of the provisional license.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1915 Suspension and Reinstatement of Temporary or Provisional Licensure.**

(a) The Executive Director may suspend the temporary or provisional licensure of an applicant if he determines that:

- (1) The application for licensure received from the applicant is not complete;
- (2) The handwriting exemplar is illegible;
- (3) The fingerprints submitted by the applicant are illegible or unclassifiable; or
- (4) The protection of the public welfare requires immediate suspension.

(b) The Executive Director shall suspend the temporary or provisional licensure of an applicant if he determines that the statement promulgated in § 175-10.1-925 is not completed, not signed, or the applicant indicates on the statement that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the Attorney General or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

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(c) If the Executive Director suspends the temporary or provisional licensure of an applicant pursuant to subsections (a)(1) or (2), he shall notify the applicant and the casino gaming licensee of such suspension.

(d) An applicant whose temporary or provisional licensure is suspended pursuant to subsections (a)(1) or (2) shall not be eligible to work as a casino employee or casino key employee until such time as he rectifies the cause for such suspension and the Executive Director reinstates his temporary or provisional licensure. If an applicant rectifies the cause for his suspension and the Executive Director reinstates his temporary or provisional licensure, the period of time in which the applicant's temporary or provisional licensure was suspended pursuant to this regulation shall not be included in measuring the one hundred eighty day period in which the Executive Director may object to such temporary licensure of the applicant, if applicable. An applicant whose temporary or provisional licensure is suspended pursuant to subsection (a)(4) shall not be eligible to work as a casino employee or casino key employee until such time as the Executive Director or the Chairman lifts the temporary suspension prior to a hearing, or the Commission lifts the suspension after a hearing.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1920 Investigation; Criteria for Objection; Objection.**

(a) Upon receipt of an application for licensure as a casino employee or casino key employee (provisional or otherwise), the Executive Director shall review it for completeness.

(b) Unless the Executive Director, after reviewing an application for licensure, suspends the temporary licensure of the applicant pursuant to § 175-10.1-1915, he shall conduct an investigation of the applicant to determine whether he is eligible to be or continue to be licensed as a casino employee or casino key employee.

(c) The Executive Director may object to the licensure of an applicant within one hundred eighty days after receipt of a complete application for licensure based on any action or inaction of the applicant that the Executive Director determines is inimical to the public health, safety, morals, good order, and general welfare of the people of the Commonwealth, or that would reflect or tend to reflect discredit upon the Commonwealth or the gaming industry. The Executive Director may object to the licensure of an applicant based on the association of the applicant with any person who the Executive Director determines is inimical to the public health, safety, morals, good order and general welfare of the people of the Commonwealth, or who reflects or tends to reflect discredit upon the Commonwealth or the gaming industry.

(d) If the Executive Director objects to the licensure of an applicant pursuant to this regulation, the Executive Director shall notify:

(1) The applicant of the objection and the right to apply for a hearing pursuant to these regulations; and

(2) The casino licensee.

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(e) The failure of an applicant to seek review of a determination that he is not eligible for licensure as a casino employee or casino key employee shall be deemed to be an admission that the objection is well founded and such failure precludes administrative or judicial review.

(f) If, after receiving notice per subsection (d)(2), the casino gaming licensee no longer wishes to employ the applicant, it shall provide notice to the Executive Director and withdraw the application. If the casino licensee withdraws the application, no license will be finally granted, the temporary license will be revoked, the matter will be deemed closed, and the Commission may dismiss the Complaint sua sponte or upon motion of the Executive Director without a hearing.

(g) If the Executive Director does not object to the licensure of an applicant pursuant to this Part, the applicant shall be deemed licensed as a casino employee or casino key employee and is eligible for employment with the casino gaming licensee in the Commonwealth until such registration expires per its terms or per these regulations, is suspended, or is revoked per these regulations.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1925 Duties of Casino Licensee.**

(a) The casino gaming licensee shall not knowingly employ any person as a casino employee or casino key employee unless such person is temporarily licensed or licensed as a casino employee or casino key employee. A licensee shall check, and may rely on, the system of records maintained by the Commission to verify the temporary licensure, licensure or eligibility of a person seeking employment as a casino employee or casino key employee.

(b) The casino gaming licensee shall only access the system of records after a person applies for a position as a casino employee or casino key employee solely to determine whether the person is licensed, temporarily licensed, or subject to objection, suspension or revocation, or to initiate an application transaction in the Commission's online gaming employee licensure system. The casino gaming licensee shall maintain written documentation establishing that it received an application for employment from a person for a position as a casino employee or casino key employee prior to accessing the system of records and shall retain such documentation for at least five years.

(c) Before the casino gaming licensee grants any employee access to the system of records maintained by the Commission, it shall provide the Commission with the name, social security number, and date of birth of such employee. Upon the termination of employment of such employee or the reassignment of such employee to a position that no longer requires him to access the system of records, the casino gaming licensee shall immediately notify the Commission of such termination or reassignment. The information contained within the system of records is confidential and must not be disclosed by such employee or the casino gaming licensee.



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(d) If the casino gaming licensee determines, after accessing the system of records maintained by the Commission, that a person seeking employment or renewal as a casino employee or casino key employee with such licensee is not temporarily licensed or licensed as a casino employee or casino key employee, and is not subject to objection, suspension or revocation, the casino licensee shall provide the person with a form for application, the child support statement promulgated in § 175-10.1-925 and instruct the person to:

- (1) Complete the form for application and the child support statement;
- (2) Obtain two complete sets of fingerprints;
- (3) Complete an online payment by credit or debit card through the Commission's online gaming employee licensure system or obtain a money order, cashier's check, or voucher in the amount promulgated by the Commission in accordance with these regulations, or arrange for the casino licensee to make the payment; and
- (4) Unless otherwise promulgated by the Chairman, complete the application for gaming employee licensure online via the Commission's online gaming employee licensure system or return a completed paper application for licensure to the licensee in a sealed envelope, or in any other confidential manner permitted by the Commission, for the casino licensee's submission to the Commission.

(e) If the casino gaming licensee determines, after accessing any system of records maintained by the Commission, that a person seeking employment or renewal as a casino employee or casino key employee with such licensee is subject to objection, suspension or revocation, the casino gaming licensee shall:

- (1) Not accept an application for licensure from such person; and
- (2) Notify the person that he must contact the Commission in order to pursue reversal or removal of such objection, suspension or revocation.

(f) The casino gaming licensee which instructs a person to obtain two complete sets of fingerprints shall be responsible for payment of the fees charged by the Commonwealth, the Federal Bureau of Investigation, or any other agency the Commission approves, for processing such fingerprints.

(g) Upon receipt of an application for licensure, the casino gaming licensee shall mail or deliver it to the Commission within five business days.

(h) The application for licensure is confidential and shall not be accessed or used for any purpose by a licensee unless otherwise permitted by law, or prior, written consent is given by the person seeking employment.

(i) The casino gaming licensee shall immediately reassign to a position that does not require licensure as a casino employee or casino key employee a person it has employed or contracted with as a casino employee or casino key employee if the Executive Director notifies a licensee that the temporary or provisional licensure or licensure of the person it has employed as a casino employee or casino key employee has been objected to by the Executive Director, or otherwise suspended or revoked. The casino gaming licensee also may, in its sole judgment, terminate the employment relationship.

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(j) On or before the tenth day of each month, the casino licensee shall submit a written report to the Commission containing the name, social security number, position held, and date of hire of each casino or casino key employee (temporary, provisional or otherwise) hired during the previous month.

(k) On or before the tenth day of the ensuing month after a calendar quarter, the casino licensee shall enter a termination date for all casino employees or casino key employees (temporary, provisional or otherwise) terminated or separated from service within the preceding quarter into the Commission's online gaming employee licensure system or submit a written report to the Commission containing the name, social security number, position held, and date of termination or separation of all casino employees or casino key employees (temporary, provisional or otherwise) terminated or separated from service within the preceding quarter.

(l) The casino licensee must maintain a photo of every gaming employee employed by the licensee. The licensee shall maintain the photo for a period of no less than five years after the date in which the gaming employee is no longer employed by the licensee as a gaming employee. The photo must be large enough and of sufficient clarity to be able to clearly identify the gaming employee from the photo. The photo may be in the form of a photograph or it may be digitally stored, but it must be capable of being reproduced and provided at the request of the Commission.

(m) Any violation of §175-10.1-1925(a) or (b) constitutes an unsuitable method of operation and shall be grounds for disciplinary action by the Commission in accordance with the Act and the regulations.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1930 System of Records: Contents; Confidentiality.**

(a) The Commission shall create and maintain a system of records that:

(1) Contains information regarding each person who is licensed as a casino employee or casino key employee; and

(2) Identifies each person whose licensure as a casino employee or casino key employee has expired, was objected to by the Executive Director, or was otherwise suspended or revoked.

(b) The system of records may be accessed by the Commission at any time and in any manner and may only be accessed by the casino gaming licensee by online internet connection or in person during the Commission's normal office hours and only by those persons or entities authorized by the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

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### § 175-10.1-1935 Petition for Hearing to Reconsider Objection to Registration or to Reconsider Suspension or Revocation of Registration.

(a) Any person whose application for licensure as a casino employee or casino key employee has been objected to by the Executive Director, or whose licensure as a casino employee or casino key employee has been suspended or revoked pursuant to these regulations, may request a hearing for reconsideration of the final administrative or judicial action which resulted in such objection, suspension, or revocation.

(b) The aggrieved person may obtain the reconsideration hearing by filing a petition with the Commission which sets forth the basis of the request for reconsideration. The aggrieved person shall, upon filing such petition, include the child support statement promulgated in § 175-10.1-925 and, if requested by the Commission, two new complete sets of fingerprints together with the fee charged therefore.

(c) Upon receipt of a petition, the Commission shall conduct an investigation of the person who filed such petition and schedule a hearing. At the hearing, the Commission or its appointee shall take any testimony deemed necessary. The Commission may appoint a hearing examiner and authorize that person to conduct the hearing, including, but not limited to, any of the functions required of the Commission in the case of hearing conducted pursuant to these regulations or the Administrative Procedure Act.

(d) After conducting a hearing pursuant to subsection (c), the Commission or its appointee shall render a decision sustaining, modifying or withdrawing the objection which shall be mailed to the person within forty-five days after the date of the hearing; or

(e) The Commission, in reviewing a decision or recommendation of the Executive Director, may sustain, modify or reverse the decision or recommendation of the Executive Director or any appointed hearing officer, may revoke, suspend, or terminate the license, or remand the petition to the Executive Director or hearing officer for such further investigation or reconsideration as the Commission may order.

(f) An aggrieved person who files a petition pursuant to this regulation may submit a written request for withdrawal of such petition to the Commission at any time before the Commission has acted upon a decision or recommendation of the Executive Director or appointee.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-1940 Criminal Conviction Grounds for Revocation or Suspension.

The Commission may revoke or suspend the casino employee license or casino key employee license or finding of suitability of a person who is convicted of a crime, even though the convicted person's post-conviction rights and remedies have not been exhausted, if the crime or conviction discredits or tends to discredit the Commonwealth or the gaming industry.

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1945 Violation of Law or Regulations.**

Violation of any provision of the Act or of these regulations by a casino employee or casino key employee shall be deemed contrary to the public health, safety, morals, good order and general welfare of the inhabitants of the Commonwealth and grounds for suspension or revocation of a license. Acceptance of a Commonwealth gaming license or renewal thereof by a licensee constitutes an agreement on the part of the licensee to be bound by all of the regulations of the Commission as the same now are or may hereafter be amended or promulgated. It is the responsibility of the licensee to keep himself informed of the content of all such regulations, and ignorance thereof will not excuse violations.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1950 Registration of Non-gaming Employees.**

All employees of the casino licensee who are not holders of a casino employee license or a casino key employee licensee must register with the Commission within two weeks of their employment and annually thereafter in a form to be determined by the Executive Director or by the Commission.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-1955 Additional Reporting Obligations of Casino Key Employees, Casino Employees, and Others.**

(a) Any: casino key employee; casino employee; director; officer; or shareholder of the casino licensee or any affiliate company; or a spouse, child, or other close relative of any of the aforementioned, who

- (1) Has an interest in a firm that does business with the casino licensee;
- (2) Borrows or accepts money or gifts or other favors from a person or firm doing business with the casino licensee;
- (3) Engages in a private business relationship with a person or firm doing business with the casino licensee, particularly if the casino key employee, casino employee, director, officer, shareholder, spouse, or relative supervises the relationship with that person or firm;
- (4) Engages in a private business relationship with a supervisor;
- (5) Engages in a competing business or owns stock or other securities of a competitor other than insignificant interest in public companies;
- (6) Engages in a private business venture with an officer or other employee of a firm that competes with the casino licensee;

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- (7) Uses the casino licensee resources for personal benefit, such as extension of complimentary items or services, to further personal rather than a casino licensee business purpose;
  - (8) Uses the casino licensee's staff or assets for personal business; or must inform the Commission in writing of the circumstances of such occurrence;
  - (9) Has an interest in or speculating in products or real estate whose value may be affected by the casino licensee's business; and improperly divulges or uses confidential information such as plans, operating or financial data, or computer programs.
- (b) The written notice required by subsection (a) must be made to the Commission within seven calendar days of the occurrence.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 40 Com. Reg. 40910 (Aug. 28, 2018); Proposed 40 Com. Reg. 40583 (Mar. 28, 2018).

### **Part 2000- CHIPS AND TOKENS**

#### **§ 175-10.1-2001 Approval of Chips and Tokens; Applications and Procedures.**

- (a) A licensee shall not issue any chips or tokens for use in its gaming establishment, or redeem any such chips or tokens, unless the chips or tokens have been approved in writing by the Commission. A licensee shall not issue any chips or tokens for use in its gaming establishment, or redeem any such chips or tokens, that are modifications of chips or tokens previously approved by the Commission, unless the modifications have been approved in writing.
- (b) Applications for approval of chips, tokens, and modifications to previously-approved chips or tokens must be made, processed, and determined in such manner and using such forms as the Commission may prescribe. Only casino licensees or the manufacturer authorized by these licensees to produce the chips or tokens, may apply for such approval. Each application must include, in addition to such other items or information as the Commission may require:
- (1) An exact drawing, in color or in black-and-white, of each side and the edge of the proposed chip or token, drawn to actual size or drawn to larger than actual size and in scale, and showing the measurements of the proposed chip or token in each dimension;
  - (2) Written specifications for the proposed chips or tokens;
  - (3) The name and address of the manufacturer;
  - (4) The licensee's intended use for the proposed chips or tokens; and
  - (5) A verification upon oath or notarized affirmation, executed by the chief operating officer of the chip or token manufacturer, or a person with equivalent responsibilities, that it has a written system of internal control, approved by the Commission, which describes in detail the current administrative, accounting, and security procedures which are utilized in the manufacture, storage, and shipment of the chips, tokens, and related material. The written system must include at a minimum, a detailed, narrative description of the procedures, and controls implemented to ensure the integrity and security of the manufacturing process, from

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design through shipment, including but not limited to those procedures and controls designed specifically to:

- (i) Provide for the secure storage or destruction of all pre-production prototypes, samples, production rejects and other nonsellable product.
- (ii) Provide security over the finished art work, hubs, plates, dies, molds, stamps, and other related items which are used in the manufacturing process.
- (iii) Prevent the unauthorized removal of product from the production facility through the utilization of security devices such as metal detectors, and surveillance cameras.
- (iv) Restrict access to raw materials, work-in-process, and finished goods inventories to authorized personnel.
- (v) Establish procedures for documenting approval of production runs.
- (vi) Establish and maintain a perpetual inventory system which adequately documents the flow of materials through the manufacturing process.
- (vii) Establish procedures which reconcile the raw material used to the finished product on a job-by-job basis. Significant variances are to be documented, investigated by management personnel, and immediately reported to the Commission and to the licensee who authorized the manufacturer to produce the chips or tokens.
- (viii) Provide for quarterly physical inventory counts to be performed by individual(s) independent of the manufacturing process which are reconciled to the perpetual inventory records. Significant variances are to be documented, investigated by management personnel, and immediately reported to the divisions of Audit and Compliance.
- (ix) Establish a framework of procedures which provide for the security and accountability of products and materials sent to or received from subcontractors or satellite production facilities.
- (x) Document controls over the shipment of finished product, and
- (xi) Provide such other or additional information as the Commission may require.

(c) The Commission may approve variations from the specific requirements of this regulation if in the opinion of the Commission the alternative controls and procedures meet the objectives of this regulation.

(d) If, after receiving and reviewing the items and information described by this regulation, the Commission is satisfied that the proposed chips, tokens and related information conform to the requirements of this regulation, the Commission shall notify the licensee or the manufacturer authorized by the licensee to produce the chips or tokens in writing and shall request, and the licensee or the manufacturer shall provide a sample of the proposed chips or tokens in final, manufactured form. If the Commission is satisfied that the sample conforms with the requirements of this regulation and with the information submitted with the licensee's application, the Commission shall approve the proposed chips or tokens and notify the licensee in writing. As a condition of approval of chips or tokens issued for use at the licensee's race book, sports pool, or specific table or counter game, the Commission may prohibit the licensee from using the chips or tokens other than at the book, pool, or specific game. The Commission may retain the sample chips and tokens submitted pursuant to this Regulation.

(e) At the time of approval of a system of internal control, the Commission may require the manufacturer to provide, and thereafter maintain with the Commission, a revolving fund in an

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amount determined by the Commission, which amount shall not exceed ten thousand dollars. The Commission and its staff may use the revolving fund at any time without notice, for the purpose of implementing the provisions of this regulation.

Modified, [1 CMC § 3806](#)(e)–(g).

History: Amdts Adopted 39 Com. Reg. 39761 (July 28, 2017); Amdts Proposed 39 Com. Reg. 39169 (Jan. 30, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2005 Specifications for Chips and Tokens.

(a) Chips and tokens must be designed, manufactured, and constructed in compliance with all applicable statutes, regulations, and policies of the United States, the Commonwealth, and other states, and so as to prevent counterfeiting of the chips and tokens to the extent reasonably possible. Chips and tokens must not deceptively resemble any current or past coinage of the United States or any other nation.

(b) In addition to such other specifications as the Committee may approve:

(1) The name of the issuing gaming establishment must be inscribed on each side of each chip and token, and “Saipan, CNMI” must be inscribed on at least one side of each chip and token;

(2) The value of the chip or token must be inscribed on each side of each chip and token, other than chips used exclusively at roulette;

(3) The manufacturer’s name or a distinctive logo or other mark identifying the manufacturer must be inscribed on at least one side of each chip and token; and

(4) Each chip must be designed so that when stacked with chips and tokens of other denominations and viewed on closed-circuit, black-and-white television, the denomination of the chip can be distinguished from that of the other chips and tokens in the stack.

(c) The Commission may approve any other thickness, dimension, size, shape, denomination, and material for chips and tokens as it deems necessary and prudent.

Modified, [1 CMC § 3806](#)(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2010 Specifications for Chips.

(a) Unless the Commission approves otherwise, chips must be disk-shaped, must be .130 inch thick, and must have a diameter of:

(1) 1.55 inches, for chips used at games other than baccarat;

(2) 1.55 inches or 1.6875 inches, for chips used at baccarat; and

(3) 1.6875 inches, for chips used exclusively at race books and sports pools or other counter games.

(b) Each side of each chip issued for use exclusively at a race book, sports pool, or particular game must bear an inscription clearly indicating that use of the chip is so restricted.

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(c) The Commission may approve any other thickness, dimension, size, shape, denomination, and material for chips as it deems necessary and prudent.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2015 Specifications for Tokens.

(a) Unless the Commission approves otherwise, tokens must be disk-shaped and must measure as follows:

(1) No token may be smaller than 1.459 inches or larger than 1.95 inches in diameter, and no token may be from 1.475 through 1.525 inches in diameter;

(2) One dollar denomination tokens must be from 1.459 through 1.474 inches in diameter, from .095 through .115 inch thick, and, if the token has reeds or serrations on its edges, the number of reeds or serrations must not exceed 150;

(3) Five dollar denomination tokens must be 1.75 inches in diameter, from .115 through .135 inch thick, and, if the token has reeds or serrations on its edges, the number of reeds or serrations must not exceed 175;

(4) Twenty-five dollar denomination tokens must be larger than 1.75 inches but no larger than 1.95 inches in diameter (except that such tokens may be 1.654 inches (42 millimeters) in diameter if made of 99.9% pure silver), must be .10 inch thick, and, if the token has reeds or serrations on its edges, the number of reeds or serrations must not exceed 200; and

(5) Tokens of other denominations must have such measurements and edge reeds or serrations as the Chairman may approve or require.

(b) The Commission shall not approve any tokens of denominations lower than one dollar.

(c) Tokens must not be manufactured from material possessing sufficient magnetic properties so as to be accepted by a coin mechanism, other than that of a slot machine.

(d) Tokens must not be manufactured from a three-layered material consisting of a copper-nickel alloy clad on both sides of a pure copper core, nor from a copper-based material, unless the total of zinc, nickel, aluminum, magnesium, and other alloying materials is at least 20% of the token's weight.

(f) The Commission may approve any other thickness, dimension, size, shape, denomination and material for tokens as it deems necessary and prudent.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2020 Use of Chips and Tokens.



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- (a) Chips and tokens are solely representatives of value which evidence a debt owed to their custodian by the casino gaming licensee and are not the property of anyone other than the licensee.
- (b) The casino gaming licensee uses chips or tokens at its gaming establishment shall:
- (1) Comply with all applicable statutes, regulations, and policies of the Commonwealth and of the United States pertaining to chips or tokens;
  - (2) Issue chips and tokens only to patrons of its gaming establishment and only at their request;
  - (3) Promptly redeem its own chips and tokens from its patrons by cash or check drawn on an account of the licensee;
  - (4) Post conspicuous signs at its establishment notifying patrons that federal law prohibits the use of the licensee's tokens, that Commonwealth law prohibits the use of the licensee's chips, outside the establishment for any monetary purpose whatever, and that the chips and tokens issued by the licensee are the property of the licensee, only; and
  - (5) Take reasonable steps, including examining chips and tokens and segregating those issued by other licensees to prevent the issuance to its patrons of chips and tokens issued by any other casino.
- (c) The casino gaming licensee shall not accept chips or tokens as payment for any goods or services offered at the licensee's gaming establishment with the exception of the specific use for which the chips or tokens were issued, and shall not give chips or tokens as change in any other transaction. Notwithstanding the foregoing, value chips of five hundred dollars or less may be accepted as payment for food or beverage in the gaming areas of the operations of the casino operator licensee's operations in the Commonwealth.
- (d) The casino gaming licensee shall not redeem its chips or tokens if presented by a person who the licensee knows or reasonably should know is not a patron of its gaming establishment, except that a licensee shall promptly redeem its chips and tokens if presented by an employee or key employee of the licensee who presents the chips and tokens in the normal course of employment.
- (e) The casino gaming licensee shall redeem its chips and tokens if presented by an agent of the Commission in the performance of his official duties or on behalf of another governmental agency.
- (f) The casino gaming licensee shall not knowingly issue, use, permit the use of, or redeem chips or tokens issued by any other licensee.
- (g) Chips whose use is restricted to uses other than at table games or other than at specified table games may be redeemed by the issuing licensee at table games or non-specified table games if the chips are presented by a patron, and the licensee redeems the chips with chips issued for use at the game, places the redeemed chips in the table's drop box, and separates and properly accounts for the redeemed chips during the count performed pursuant to the licensee's system of internal control required by Part 500.

Modified, 1 CMC § 3806(e)-(g).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2025 Redemption and Disposal of Discontinued Chips and Tokens.

(a) If the casino gaming licensee permanently removes from use or replaces approved chips or tokens at its gaming establishment, or ceases operating its gaming establishment whether because of closure or sale of the establishment or any other reason, must prepare a plan for redeeming discontinued chips and tokens that remain outstanding at the time of discontinuance. The licensee must submit the plan in writing to the Commission not later than sixty days before the proposed removal, replacement, sale, or closure, unless the closure or other cause for discontinuance of the chips or tokens cannot reasonably be anticipated, in which event the licensee must submit the plan as soon as reasonably practicable. The Commission may approve the plan or require reasonable modifications as a condition of approval. Upon approval of the plan, the licensee shall implement the plan as approved.

(b) In addition to such other reasonable provisions as the Commission may approve or require, the plan must provide for:

(1) Redemption of outstanding, discontinued chips and tokens in accordance with this regulation for at least one hundred twenty days after the removal or replacement of the chips or tokens or for at least one hundred twenty days after operations cease, as the case may be, or for such longer or shorter period as the Commission may for good cause approve or require;

(2) Redemption of the chips and tokens at the premises of the gaming establishment or at such other location as the Commission may approve;

(3) Publication of notice of the discontinuance of the chips and tokens and of the redemption and the pertinent times and locations in at least two newspapers of general circulation in the Commonwealth at least twice during each week of the redemption period, subject to the Commission's approval of the form of the notice, the newspapers selected for publication, and the specific days of publication;

(4) Conspicuous posting of the notice described in subsection(b)(3) at the gaming establishment or other redemption location; and

(5) Destruction or such other disposition of the discontinued chips and tokens as the Commission may approve or require.

Modified, 1 CMC § 3806(a), (d), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission renumbered subsections (c)–(d) to (b)(4)–(b)(5) pursuant to 1 CMC § 3806(a). The Commission substituted “subsection (b)(3)” for “paragraph (b)” in (b)(4) pursuant to 1 CMC §3806(a), (d).

### § 175-10.1-2030 Destruction of Counterfeit Chips and Tokens.

(a) As used in this section, “counterfeit chips or tokens” means any chip or token-like objects that have not been approved pursuant to these regulations, including objects commonly referred to as “slugs,” but not including coins of the United States or any other nation. “Law enforcement

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officer” includes any sworn officer of the Commonwealth or the United States of America. “Attorney General” means the Attorney General for the Commonwealth.

(b) Unless a law enforcement officer or the Attorney General instructs or a court of competent jurisdiction orders otherwise in a particular case, the casino gaming licensee shall destroy or otherwise dispose of counterfeit chips and tokens discovered at its establishments in such manner as the Commission may approve or require.

(c) Unless a law enforcement officer instructs or a court of competent jurisdiction orders otherwise in a particular case, the casino gaming licensee may dispose of coins of the United States or any other nation discovered to have been unlawfully used at their establishments by including them in their coin inventories or, in the case of foreign coins, by exchanging them for United States currency or coins and including same in their currency or coin inventories, or by disposing of them in any other lawful manner.

(d) The casino gaming licensee shall record, in addition to such other information as the Commission may require:

- (1) The number and denominations, actual and purported, of the coins and counterfeit chips and tokens destroyed or otherwise disposed of pursuant to this section;
- (2) The month during which they were discovered;
- (3) The date, place, and method of destruction or other disposition, including, in the case of foreign coin exchanges, the exchange rate and the identity of the bank, exchange company, or other business or person at which or with whom the coins are exchanged; and
- (4) The names of the persons carrying out the destruction or other disposition on behalf of the licensee.

(e) The casino gaming licensee shall maintain each record required by this subsection for at least five years, unless the Commission approves or requires otherwise.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2035 Promotional and Tournament Chips and Tokens.**

Promotional chips must be designed, manufactured, approved, and used in accordance with the provisions of the regulations applicable to chips and tokens, except as follows:

(a) Promotional chips must be of such shape and size and have such other specifications as the Commission may approve or require;

(b) Each side of each promotional chip must conspicuously bear the inscription “No Cash Value”;

(c) Promotional chips must not be used, and licensees shall not permit their use, in transactions other than the promotions or tournaments for which they are issued; and

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(d) The provisions of § 175-10.1-2025 shall not apply to promotional chips.

Modified, 1 CMC § 3806(a), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2040 Other Instrumentalities.

Other instrumentalities with which gaming is conducted must be designed, manufactured, approved, used, discontinued, destroyed, or otherwise disposed of in accordance with the provisions of regulations applicable to chips and tokens, except that such other instrumentalities must be of such shape, size, and design and have such other specifications as the Commission may approve or require; and the Commission, in its sole and absolute discretion, may deny approval of instrumentalities other than chips and tokens or may grant approval subject to such conditions as it considers appropriate.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2045 Chips and Tokens Required.

(a) All wagering must be conducted with chips, tokens, wagering instruments or other instrumentalities approved by the Commission, or with wagering credits or the legal tender of the United States. No foreign chips or tokens may be used to wager.

(b) The Executive Director may allow wagering to occur with chips, tokens, wagering instruments, wagering vouchers, or wagering credits in foreign currencies in his sole discretion. The Executive Director shall require all computations and reports of revenue, drop, settlement sheets, and the like be in United States Dollars. The Executive Director shall take steps to shift, as much as he deems practicable, the risk of loss due to changes in exchange rates away from the Commonwealth and to the casino licensee.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## Part 2100 - CARD GAMES

### § 175-10.1-2101 Card Game Drop Box Procedures.

(a) Each card table shall have one card game drop box with the drop slot located at least four inches in front of the table tray and to the right thereof, unless the table is equipped with a drop slot located at least two inches to the right of and even with the top right-hand corner of the table tray, with a cover over the drop slot, which when activated will cause the rake to drop directly into the drop box. The card game drop box shall be a locked container marked with a permanent number corresponding to a permanent number on the card table and permanently marked to indicate game and shift, all of which markings shall be clearly visible at a distance of twenty feet. The locked container shall be locked to the card table and shall be separately keyed from the container itself.

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(b) All card game drop boxes shall be removed from their respective card tables at the times previously designated in writing to the Commission. The removal of card game drop boxes shall be without any interruptions so that an observer may be able to observe the markings on the boxes. The boxes must be transported directly to the room designated for counting where they shall be stored in a secure place or immediately counted.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2105 Sale of Stakes.**

No cash or chips received for the sale of stakes shall be commingled with any rake-offs or other compensation received by the licensee from the players for the right to play.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2110 Accounting for Transactions between Card Table Bank and Card Room Bank.**

(a) When the card table bank is to be replenished with chips from the card room bank, all cash or chips to be transferred must be counted down by the dealer in public view on the card table and verified by the person who transports the cash or chips.

(b) The transfer shall be preceded by the placement of appropriately designated marker buttons (lammer) on the card table of a value equivalent to the cash or chips to be transferred to the card room bank. Such marker buttons may only be removed by the dealer after the transaction has been completed. A transfer document noting the terms of the transfer is also allowable.

(c) Upon written Commission approval, those licensees wishing to utilize the casino cage in lieu of a card room bank may do so provided that the same procedures as set forth in § 175-10.1-2110, § 175-10.1-2115, and related provisions thereto, shall be followed by the casino cage for such transactions.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2115 Limitations on the Use of Card Room Banks and Card Table Banks.**

(a) Card room banks shall be used exclusively for the purposes of the maintenance of card table banks used in card games, and the issuance of chips to and redemption of chips from players.

(b) Card table banks shall be used only for the purposes of making change or handling player buy-ins.

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2120 Rake-off and Time Buy-in.

(a) Rake-offs shall not exceed 20% of all sums wagers in the hand. Rake-offs shall only be pulled from the pot by the dealer in an obvious manner after each wager and call or at the completion of the hand. The rake-off shall be placed in a designated rake circle and shall remain in the designated rake circle until a winner is declared and paid. The rake-off shall then be dropped into the card game drop box.

(b) The designated rake circle must be clearly visible to all players and shall be positioned in a location on the table where it is at least four inches from and in front of the table tray and at least eight inches from the table drop slot, unless the table is equipped with a drop slot located at least two inches to the right of and even with the top right-hand corner of the table tray, with a cover over the drop slot, which when activated will cause the rake to drop directly into the drop box; such drop slot shall serve as the rake circle.

(c) All time buy-ins or other fees charged shall be immediately placed into the card game drop box.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2125 Shills.

The use of shills by a casino licensee is prohibited.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2130 Proposition Players Prohibited.

The use of proposition players by a casino licensee is prohibited.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2135 Restrictions on Other Players.

(a) Stakes players shall not be utilized by any licensee.

(b) No dealer may wager in any game in which he is dealing.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2140 Posting of Rules.

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The rules of each game shall be posted and be clearly legible from each table and must designate:

- (a) The maximum rake-off percentage, time buy-in, or other fee charged.
- (b) The number of raises allowed.
- (c) The monetary limit of each raise.
- (d) The amount of ante.
- (e) Other rules as may be necessary.

Modified, 1 CMC § 3806(a).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **Part 2200 - EXCLUDED AND EXCLUDABLE PERSONS**

#### **§ 175-10.1-2201 Casino Licensee's Right to Exclude Patrons.**

- (a) The casino licensee or operator may refuse service to and refuse entry to or reject from the premises any patron or potential patron as such licensee or operator sees fit.
- (b) The casino licensee or operator may establish and enforce a dress code for its patrons and a code of conduct for its patrons, and any person who fails to comply with such codes on the premises may, at the discretion of the casino licensee or operator, be deemed an undesirable person and ejected or excluded from the premises.
- (c) The rights to refuse service and of exclusion and ejection granted in subsections (a) and (b) above do not include the rights to base such refusal, exclusion, and/or ejection on the basis of the patron's race, ethnicity, color, creed, religion, national origin, ancestry, or sex. The licensee shall not violate any applicable federal or Commonwealth law that prohibits discrimination by private persons against individuals generally or against any protected class of individuals.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-2205 List of Exclusion and Ejection.**

- (a) The Commission hereby declares that the exclusion or ejection of certain persons from licensed gaming establishments which conduct pari-mutuel wagering or operate any race book, sports pool or games, is necessary to effectuate the policies of the Act and to maintain effectively the strict regulation of licensed gaming. Accordingly, the Commission hereby establishes a list of persons who are to be excluded or ejected from licensed gaming establishments that conduct gaming, wagering, pari-mutuel wagering or operate any horse race

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book, sports pool, or games because their presence therein is determined by the Commission to pose a threat to the interests of the Commonwealth or to licensed gaming, or both.

(b) The Commission may include a person on the list if the Commission finds to its satisfaction that the person:

(1) Has a prior conviction of a crime which is a felony in this Commonwealth or under the laws of the United States, or a crime involving moral turpitude or a violation of the gaming laws of any state;

(2) Has violated or conspired to violate the provisions of the Act or these regulations relating to:

(i) The failure to disclose an interest in a gaming establishment for which the person must obtain a license; or

(ii) Willful evasion of fees or taxes;

(3) Has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming industry is free from criminal or corruptive elements; or

(4) Is the subject of a written order of a tribunal or governmental agency which authorizes the exclusion or ejection of the person from an establishment at which gaming or pari-mutuel wagering is conducted.

(c) A finding that any one criteria listed in subsection (b) is sufficient for inclusion.

(d) Evidence of notorious or unsavory reputation, as that term is used in subsection (b)(3), may be established by, among other things, identification of a person's criminal activities in published reports of various federal and state legislative and executive bodies that have inquired into various aspects of criminal activities including but not limited to the following:

(1) California Crime Commission;

(2) Chicago Crime Commission;

(3) McClellan Committee (Senate Subcommittee on Investigation);

(4) New York Waterfront Commission;

(5) Pennsylvania Crime Commission Report;

(6) Senate Permanent Subcommittee on Investigations;

(7) State of Colorado Organized Crime Strike Force;

(8) President's Commission on Organized Crime;

(9) Nevada Gaming Control Commission and Board

(e) Further, evidence of notorious or unsavory reputation as that term is used in subsection (b)(3), may be established by, among other things, identification of a person's criminal activities with respect to wagering on or attempting to influence the result of a collegiate sport or athletic event in a published report by:

(1) Any federal, state or local legislative, executive or judicial body or officer; or

(2) Any association of colleges and universities devoted to the regulation and promotion of intercollegiate athletics, including, but not limited to the National Collegiate Athletic Association.

Modified, 1 CMC § 3806(d), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).



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### § 175-10.1-2210 Definitions.

As used in this Part, the following terms shall have the following meanings:

- (a) “Candidate” means any person who the Commission believes should be placed on the list.
- (b) “Excluded Person” means any person who has been placed upon the list by the Commission and who has failed to timely request a hearing as provided in these regulations, or who remains on the list after a final determination by the Commission. The term shall be synonymous with “ejected person” or “listed person.”
- (c) “List” means a list of names of persons who are required to be excluded or ejected from licensed gaming establishments that conduct pari-mutuel wagering or operate any horse race book, sports pool or games. The term shall be synonymous with “exclusion list.”

Modified, 1 CMC § 3806(a), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2215 Entry of Names.

The Commission may place on the list the name of any person who, by reason of any of the criteria set forth in § 175-10.1-2205(b), is to be excluded or ejected from licensed gaming establishments that conduct pari-mutuel wagering or operate any horse race book, sports pool, or games, whenever such exclusion or ejection is in the best interests of the Commonwealth or of licensed gaming, after the same has been determined as hereinafter provided:

- (a) Before a name is placed on the list, the Commission shall first informally review the information and evidence in its possession and make a determination that there is sufficient reason to believe that any one of the criteria specified in § 175-10.1-2205(b) is applicable to the candidate. At least two members shall concur in such decision at an investigative hearing, but no formal meeting of the Commission shall be required to reach a decision.
- (b) Except as hereinafter provided, the operative effect of such list shall not occur as to any given individual until such time as that person whose name has been placed upon the list has had notice and an opportunity for a hearing as provided for by this regulation, and until such time as the Commission’s decision becomes final.
- (c) The Commission may grant a stay upon appropriate terms.

Modified, 1 CMC § 3806(a), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2220 Distribution and Contents of the List.

- (a) The list shall be open to public inspection and shall be distributed to:

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- (1) Every licensed gaming establishment within the Commonwealth that conducts pari-mutuel wagering or operates any game;
  - (2) Law enforcement agencies situated in the Commonwealth.
- (b) The following information and data shall be provided for each excluded person:
- (1) The full name and all aliases the person is believed to have used;
  - (2) Description of the person's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the person;
  - (3) Date of birth;
  - (4) The effective date the person's name was placed on the list;
  - (5) A photograph and the date thereof.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2225 Notice of Candidacy.

- (a) After the Commission has determined an individual should be placed upon the list, notice of such determination shall be given to said person by:
- (1) Personal service;
  - (2) Certified mail to the address of such person last known to the Commission;
  - (3) Posting on the Commission's website, in the Commission's Office, on the first floor of the Governor's executive building in Capitol Hill, Saipan, and the first floor of the Judicial complex in Susupe, Saipan; or
  - (4) Publication once a day for seven consecutive days in a newspaper of general circulation, published in Saipan, CNMI.
- (b) All reasonable efforts shall be made to give such candidate actual notice of the proceedings, but the methods of notice are cumulative, and each may be utilized with, after, or independently of the above-stated or other methods of notice.
- (c) A notice shall be directed to the candidate by his full name and by any aliases known to the Commission and shall state in essence as follows:

TO: (Name of candidate)

You are hereby notified that the Commonwealth Casino Commission deems you to be a person to be excluded from licensed gaming establishments within the area subject to its jurisdiction that conduct pari-mutuel wagering or operate any horse race book, sports pool or games, other than slot machines only, for the reasons specified in § 175-10.1-2205(b) (designate subsection or subsections as grounds). You are further advised that you may request, within thirty days from the date of service, a hearing before the Commonwealth Casino Commission pursuant to the regulations of the Commission so as to show cause why your name shall be excluded from said list.

DATED this \_\_\_ day of \_\_\_\_\_, 20-----.

(Executive Director)

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(d) In the event notice by publication is made, the notice shall specify that the request for hearing may be made any time within sixty days after the last day of publication.

(e) After a candidate has requested a hearing before the Commission, the candidate shall be entitled to receive, upon request, a bill of particulars from the Executive Director specifying the grounds upon which a determination of exclusion was made. Such bill of particulars shall be furnished the candidate at least twenty days prior to the hearing before the Commission.

(f) In the event a candidate does not request a hearing, the Executive Director will file with the Commission the bill of particulars heretofore specified, and the Commission may make its decision thereon and any other information it may request from the Executive Director.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2230 Hearing.

(a) The procedures, rights, and remedies specified in these regulations for the conduct of proceedings before the Commission in the applicable sections of these regulations shall apply to any hearings provided to the candidate. As used throughout the above-mentioned sections of these regulations dealing with Hearings, the following terms shall have the following meanings:

- (1) “Respondent” shall mean “candidate”;
- (2) “Complaint” shall mean “notice of exclusion,” or “bill of particulars”;
- (3) “Notice of defense” shall mean “request for hearing.”

(b) Written notice of the Commission’s decisions shall be given to the candidate and to all licensed gaming establishments within the Commonwealth that conduct pari-mutuel wagering or operate any game.

(c) When the Commission determines a person should not be placed upon the list, or should be removed pursuant to the provisions of section § 175-10.1-2235, notice of the decision shall be made in the same manner as notice under § 175-10.1-2225, and additionally in the case of removal proceedings under section § 175-10.1-2235, notice shall be given to all licensed gaming establishments within the state that conduct pari-mutuel wagering or operate any horse race book, sports pool or games.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2235 Petition to Remove from the List.

(a) Any person who, after a final determination by the Commission, has been placed upon the list may petition the Commission in writing and request that his name be removed from such list. The petition shall be verified and state with specificity the grounds believed by the petitioner to constitute good cause for removal of his name.

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(b) The Commission shall have ninety days in which to entertain such petition, after which time the Commission shall either set the petition for hearing or deny the petition. In the event the Commission elects to entertain the petition, a date for hearing shall be specified, and thereafter the procedures specified in section § 175-10.1-2230 above shall apply.

(c) The record of evidence and testimony, if any, used by the Commission in making its original determination of exclusion may be considered by the Commission; provided, however, said record shall not be reopened except upon the express consent of the Commission. Unless otherwise allowed by the Commission, only evidence relevant as to the ground specified in the petition shall be heard; provided, however, the Commission may request additional investigation in this regard. The burden of showing good cause for removal shall at all times rest with the petitioner.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2240 Duty of Licensee to Exclude.**

(a) The area within a licensed gaming establishment from which an excluded person is to be excluded is every portion of said gaming establishment including but not limited to the casino, bar, lounge, and all other related facilities of said gaming establishment.

(b) Whenever an excluded person enters or attempts to enter or is upon the premises of a licensed gaming establishment and is recognized by the licensee, its agents or employees, then the licensee and its agents or employees must do the following:

- (1) Immediately notify the Commission of the presence of the excluded person in any area of the gaming establishment;
- (2) Request such excluded person to not enter or if on the premises to immediately leave;
- (3) Notify the appropriate local law enforcement agency and the Commission if such excluded person fails to comply with the request of the licensee, its agents or employees.

(c) Failure to request such excluded person to leave or to prohibit entry of such person upon its premises in a timely fashion or failure to properly notify the Commission of the presence of such excluded person is an unsuitable method of operation.

(d) Catering to any excluded person, including the granting of complimentary room, food or beverage or the issuance of credit to any such person, by any licensed gaming establishment is an unsuitable method of operation.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2245 Programs to Address Problem Gambling.**

(a) The casino gaming licensee shall demonstrate its commitment and efforts to combat compulsive gambling and a dedication to community mitigation, and shall recognize that the

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privilege of licensure bears a responsibility to identify, address and minimize any potential negative consequences of its business operation. The licensee shall post or provide in conspicuous places in or near gaming and cage areas and cash dispensing machines located in gaming areas written materials concerning the nature and symptoms of problem gambling and the toll-free telephone number of the National Council on Problem Gambling or a similar entity approved by the Executive Director that provides information and referral services for problem gamblers.

(b) The casino gaming licensee shall implement procedures and training for all employees who directly interact with gaming patrons in gaming areas. That training shall, at a minimum, consist of information concerning the nature and symptoms of problem gambling behavior and assisting patrons in obtaining information about problem gambling programs. This subsection shall not be construed to require employees of licensees to identify problem gamblers. Each licensee shall designate personnel responsible for maintaining the program and addressing the types and frequency of such training and procedures.

(c) The casino gaming licensee shall implement a program containing the elements required by Part 2900.

(d) The Executive Director may request that the casino gaming licensee submit any of the elements of the licensee's problem gambling programs described in subsections (b) or (c) above to the Executive Director for review. If the Executive Director makes an administrative determination that the licensee's program does not adequately address the standards as set forth above, then the Executive Director may issue such a determination identifying the deficiencies and specifying a time certain within which such deficiencies must be cured. Any licensee affected by such an administrative determination may appeal the determination to the Commission.

(e) Failure by the casino gaming licensee to comply with the requirements of subsection (a), establish the programs set forth in subsections (b) or (c), or to cure a deficiency identified pursuant to subsection (d), constitutes an unsuitable method of operation and is grounds for disciplinary action.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2250 Under Twenty-one Years of Age.**

The casino licensee shall exclude from the gaming areas of a casino individuals under twenty-one years of age, except such lawful employees of the casino or of a resort complex or other facility of which the casino forms a part as the Commission determines by regulation may be present in such areas.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

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### § 175-10.1-2255 Special Exclusion Area.

The casino licensee may designate any portion of a casino or Live Training Facility as a place where a fee may be charged to any patron for entry under such terms and conditions as the Commission shall approve.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### PART 2300 - MISCELLANEOUS

### § 175-10.1-2301 Definitions.

In this Part, “immediate family” means an unemancipated child residing in the member’s household, a spouse of the member, or an individual claimed by that member or that member’s spouse as a dependent for tax purposes.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2305 Persons Ineligible for Employment.

(a) Members of the 18th CNMI Legislature and their immediate family shall not be paid or receive any financial consideration nor shall they be retained as independent contractors or employed directly or indirectly by any casino licensed under this chapter in its current form or as amended, or by said casino’s affiliates or agents, for a period of five years beginning from the date of the issuance of said casino’s license.

(b) The casino licensed under the Act must certify to the Commission yearly in a document signed by the Casino’s chief executive or operating officer and chief financial officer that no financial consideration or payment has been made to any prohibited person in violation of this regulation

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2310 Commission Ineligible for Employment.

(a) No member, employee, or agent of the Commission shall knowingly be an employee of or have any business or financial association with or interest in any casino or casino service provider or vendor licensee under this title or any business reasonably related to such license.

(b) Cool off period. No member or employee of the Commission, except clerical employees of the Commission, shall work for or be a consultant to the casino licensee or any poker,

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pachinko, or electronic gaming facility in the Commonwealth, which is regulated by the Commission for a period of one year after separation from the Commission.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2315 Gambling by Commission Prohibited.

(a) No member, officer, employee, or agent of the Commission shall play any game in or make any bet or wager:

- (1) in the casino under the jurisdiction of the Commission;
- (2) in any other gaming establishment reasonably associated with any such casino; or
- (3) in any gaming establishment, the owner, lessee, operator, or manager of which is an applicant for a license from the Commission, or is a potential applicant that has entered into discussions with the Commission prior to such application and has not clearly abandoned its interest in a license, or is reasonably associated with such an applicant or potential applicant; unless such playing of games or making of bets or wagers is done in the course of the officer's, employee's, or agent's employment with the Commission.

(b) No member, officer, employee, or agent of the Commission shall play any game in or make any bet or wager in any poker, pachinko or electronic gaming facility in the Commonwealth which is regulated by the Commission.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2320 Gambling by Licensees Prohibited.

No owner, lessee, operator, manager, officer, employee, agent, or other person associated with a casino licensed under this chapter shall play any game or make any bet or wager in such casino.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2325 Internship Programs.

(a) The casino licensee may enter into approved agreements with approved entities to provide internship training opportunities to qualified interns.

(b) The casino licensee may not enter into any internship agreement that is not an approved agreement and may not enter into any internship agreement with an entity that is not an approved entity.

(c) The casino licensee may provide internship opportunities only to qualified interns. The casino licensee may not provide internship opportunities to interns who are not qualified.

(d) Participation in an approved agreement is a privilege, is not a right of any kind, and is subject to the continuing approval of the Executive Director, who may withdraw or rescind his

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approval at any time for any reason, with or without prior notice to the casino licensee, the approved entity or the intern.

(e) The Executive Director may charge a fee for applying and/or participating in an approved internship program. Such fees shall be paid by the proposed intern or the entity and shall not exceed fifty dollars for fingerprinting and licensure. The proposed intern must provide, at the intern's expense, police clearances as may be required by the Executive Director sufficient to demonstrate good character of the applicant.

(f) For the purpose of this section, the following terms have the following meanings:

(1) "Approved agreement" or "approved agreements" means an agreement approved by the Executive Director, which will specifically determine the time, place, manner, scope, duration and location of permissible internship activity;

(2) "Approved entity" or "approved entities" means the Northern Marianas College, the Workforce Investment Agency and any other entity approved by the Executive Director;

(3) "Qualified intern" or "qualified interns" means a person of at least eighteen years of age deemed suitable by the Executive Director for gaming positions and a person under eighteen years of age deemed suitable by the Executive Director in non-gaming positions. In making this determination, the Executive Director shall use the suitability standards in these regulations for casino employment.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2330 Advertising.**

The casino licensee's advertising and public relations activities shall be displayed with decency, dignity, good taste and honesty. False advertisement, materially misleading information, and advertising which offends community standards of decency by the casino licensee or its agents is an unsuitable method of operation.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## **Part 2400- CLOSING OF BUSINESS; INSOLVENCY**

### **§ 175-10.1-2401 Surrender of License on Closing of Business.**

(a) If a gaming establishment is conveyed to a secured party who does not possess the licenses necessary to operate the establishment, and the licensee ceases gaming operations as a result, the licensee must immediately surrender his gaming license and, upon written notification from the Commission that the surrender is accepted, the license shall be deemed to have lapsed. The Commission may, upon its own initiative or upon a request by the former secured party of the establishment, petition a court for the appointment of a supervisor to ensure the continuation of the gaming operation upon lapse of the license.



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(b) Except as provided in subsection (a), any licensee who surrenders, abandons, or quits his licensed establishment, or who closes all of his licensed games for a period exceeding one month, shall within ten days after surrendering, quitting, or abandoning his licensed establishment or so closing his games, surrender his license to the Commission. The Commission may, upon request, authorize closing for longer periods; however, such extension will not permit closing for an entire calendar quarter.

Modified, 1 CMC § 3806(e), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2405 Closing Due to Natural Disasters.**

(a) Subsection 175-10.1-2401(b) shall not apply if the Commission authorizes closure of any licensed gaming establishment that temporarily ceases the operation of all licensed games because of natural disaster, fire or other physical destruction of the licensed gaming establishment. In such circumstances, the licensee shall notify the Commission of the circumstances requiring closure of the licensed games pending rebuilding or repair of the premises; the anticipated duration of the closure; and the intent of the licensee to commence operation as soon as rebuilding or repairs have been completed. Upon receipt of such notice, the Commission, if satisfied that the premises are in fact unusable for continuing gaming, may authorize closure for such time as is necessary provided that any and all fees continue to be paid when they become due.

(b) Any licensee granted temporary closure by the Commission under subsection (a) is a continuing gaming licensee subject to the provisions of the Act and regulations adopted thereunder, and shall also be subject to such conditions, by way of placement of a bond, reporting, or otherwise, as may be deemed necessary by the Commission.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2410 Insolvency of a Licensee.**

(a) In the event that a casino licensee files any petition with the bankruptcy court for relief as a debtor or has such a petition filed against it, or a receiver is appointed for such licensed business or an assignment of such business is made for the benefit of creditors, the licensee, trustee, receiver or assignee, as the case may be, shall immediately notify the Commission of such fact in writing. Such written notice shall have attached a copy of the petition filed with the court, and any relevant court orders such as orders appointing trustees, receivers, or assignees.

(b) No licensed establishment shall be operated by any trustee, receiver or assignee for the benefit of creditors until such operation has been authorized by the Commission. In an emergency situation, any three members of the Commission may authorize the continuation of such operation pending action by the Commission.

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(c) Any such trustee, receiver, or assignee desiring to continue operation of the licensed establishment shall immediately make application for permission to do so. Application shall be made in the same manner as an application for an initial license; but the operation, if approved, shall be deemed to continue under the existing license of the establishment.

(d) Permission for such trustee, receiver, or assignee to continue the operation of the licensed establishment may be summarily withdrawn at any time in the discretion of the Commission without the necessity of any hearing or proceedings for revocation or suspension.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **PART 2500 - PENALTIES**

#### **§ 175-10.1-2501 Legislative Mandate.**

(a) The Legislature has granted the Commission the responsibility to levy fines and penalties for the violation of provisions of the gaming act and the regulations promulgated and orders issued by the Commission.

(b) The Legislature has required that these regulations, at a minimum, provide civil penalties for the violation of provisions of the law or regulations imposed under this chapter as well as penalties for the late payment of applicable fines, or fees.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-2505 Suspension of Penalties.**

The Commission may suspend, reduce, or rescind any penalty imposed at any time upon such terms as it deems just.

Modified, 1 CMC § 3806(a).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

#### **§ 175-10.1-2510 Definitions.**

As used in this Part, unless the context plainly requires a different definition:

(a) “Offense” means a violation of any: federal, state, or Commonwealth law; federal, state or Commonwealth Regulation; any order issued by the Commission; any Internal Control Standard approved by the Commission; or any Minimum Internal Control Standard ordered by the Commission.

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(b) “Person” means a person or business entity who is or who must be licensed, regulated, or registered by the Commission, or who holds or is the beneficiary of a license issued by the Commission.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2515 Theories of Liability.

(a) Every person is punishable as a principal who, by action or omission, commits an offense.

(b) Every person is punishable as a principal who aids, abets, counsels, commands, induces, or procures the commission of an offense.

(c) Every person is punishable as a principal who causes an act to be done, which, if directly performed by that person, would be an offense.

(d) No distinction is made between principals in the first and second degrees, and no distinction is made between a principal and what has heretofore been called an accessory before the fact.

(e) Every person who, knowing that an offense has been committed, receives, relieves, comforts, or assists the offender in order to hinder or prevent the offender’s discovery, trial, punishment, or administrative adjudication, is an accessory after the fact and punishable as a principal.

(f) Every person who has knowledge that an offense has been committed who does not immediately inform the Commission of the occurrence of the offense and the facts surrounding the offense is punishable as a principal.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2520 Casino Operator Licensee Liability.

(a) The casino licensee is liable for the offenses of its casino key employees and casino employees as if the casino licensee had committed the offense.

(b) Both the employee and the casino licensee may be fined separately for the acts and omissions of the employee.

(c) The employee and the casino licensee may be fined in different amounts for the acts and omissions of the employee.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

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### § 175-10.1-2525 Multiple Offenses from Single Action or Omission.

- (a) A single action or omission which violates multiple laws, regulations, orders or the like may be charged as multiple offenses and multiple punishments may be levied for each offense.
- (b) By way of example, an action or omission which violates federal law, Commonwealth law, and a Commission regulation is three distinct offenses.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2530 Self-reporting Determination.

The Commission, the Executive Director, or the hearing examiner, as the case may be, shall determine whether the licensee immediately, promptly or belatedly self-reported the offense (and the facts giving rise thereto) to the Commission, or whether the licensee failed to report the offense in a timely manner or at all.

Modified, 1 CMC § 3806(a), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2535 Determination of Offense Level.

- (a) For each offense not listed in §175-10.1-2540, the Commission, the Executive Director, or the hearing examiner, as the case may be, shall determine whether the offense should be penalized as a minor offense, an intermediate offense, or a major offense and impose the penalty permitted by §175-10.1-2545.
- (b) In making the determination required by subsection (a), the Commission, the Executive Director, or the hearing examiner, as the case may be, shall consider the totality of the circumstances, including but not limited to: whether the offense was an act of commission or omission; the self-reporting determination required by §175-10.1-2530; whether the licensee promptly accepted responsibility for the offense; whether the licensee has committed any previous offenses in the Commonwealth; whether the licensee has committed any previous offenses in any other jurisdiction; the relative harm suffered by the Commonwealth; the relative harm suffered by the gaming industry generally; and any other aggravating or mitigating factor deemed relevant.
- (c) The Commission, the Executive Director, or the hearing examiner, as the case may be, may determine that an offense has occurred and may determine the offense level after a hearing or by a stipulation with the licensee.

Modified, 1 CMC § 3806(d), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

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Commission Comment: The Commission corrected the erroneous references § 175-10.1-2140, § 175-10.1-2145, and § 175-10.1-2130 to § 175-10.1-2540, § 175-10.1-2145, and § 175-10.1-2130, respectively,[ ] pursuant to 1 CMC § 3806(g).

### **§ 175-10.1-2540 Mandatory Offense Levels.**

(a) Unless the Commission, the Executive Director, or the hearing examiner, as the case may be, determines that substantial aggravating factors exist such that a higher offense level is appropriate, the following are minor offenses: negligently allowing a person under twenty-one to loiter on the gaming floor; failing to affix a required signature to a required report; failing to timely file a report (for fewer than 48 hours);

(b) Unless the Commission, the Executive Director, or the hearing examiner, as the case may be, determines that substantial aggravating factors exist such that a higher offense level is appropriate, the following are intermediate offenses: intentionally allowing a person under twenty-one to loiter on the gaming floor; negligently allowing a person under twenty-one to place a wager; failing to timely file a report (for more than 48 but fewer than 96 hours); failing to make any tax, fee, or penalty payment when due (for fewer than 12 hours);

(c) The following are major offenses: failing to make any tax, fee, or penalty payment when due (for more than 12 hours); paying a minor a winning wager; intentionally allowing methamphetamine possession or sales on the premises; violating FINSEN and money laundering-type laws and regulations.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2545 Penalties.**

(a) Each minor offense may be punished by: no punishment; a written warning; a fine not to exceed ten thousand dollars; and/or (in the case of a licensee not the casino operator) suspension of the license for a period not to exceed one month.

(b) Each intermediate offense may be punished by: a fine not to exceed twenty thousand dollars and/or (in the case of a licensee not the casino operator) suspension of the license for a period not to exceed six months.

(c) Each major offense may be punished by: no punishment; a written warning; a fine not to exceed fifty thousand dollars; and/or (in the case of a licensee not the casino operator) suspension of the license for any period of time up to and including license revocation.

(d) The casino operator license may be suspended or modified at the discretion of the Commission upon a finding that one or more major offenses have occurred.

(e) The casino operator license may be terminated at the discretion of the Commission upon a finding that major offenses have repeatedly occurred.

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(f) Any time a license is suspended for any period of time, the Commission or Executive Director may impose restrictions and conditions of any type deemed necessary which must be followed by the licensee after the period of suspension has ended.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2550 Burden of Proof.**

In an enforcement hearing the Executive Director must prove the alleged violation by a preponderance of the evidence. Once a violation is established, the violator bears the burden of proving by a preponderance of the evidence that the Executive Director failed to assess the penalty in accordance with these regulations.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2555 No Hearing Necessary for Determinations.**

The Executive Director need not hold a hearing to determine whether an offense occurred, the self-reporting determination required by § 175-10.1-2530, the offense level required by § 175-10.1-2540, the determination that any license be suspended, modified, limited or revoked, or any other determination if such determination is made and then alleged in a complaint to be heard by a Hearing Officer appointed by the Commission.

Modified, 1 CMC § 3806(g).

History: Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Proposed 39 Com. Reg. 40308 (Oct. 28, 2017).

## **PART 2600 - JUNKETS AND COMPLIMENTARY**

### **§ 175-10.1-2601 Definitions.**

(a) As used in this Part, the following terms have the following definitions, unless the context clearly requires a different definition:

(1) “Junket” means an independent activity, in and for organizing, promoting or conduct of a casino marketing arrangement in or with respect to a licensed casino, arranged by a junket operator for a player or group of players to visit and participate in gaming activities at the casino(s) operated by the casino licensee.

(2) “Junket activity” means activities undertaken by a junket operator in furtherance of a Junket, whether or not conducted in the CNMI.

(3) “Junket agreement” means a contract between the casino licensee and the junket operator that states the terms and conditions in relation to the organizing, promoting or conduct of a casino marketing arrangement in or with respect to a casino licensed by the Commission,

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and the terms of rebate or other rewards from the junket activity payable to the junket operator by the casino licensee.

(4) “Junket operator” means an individual or business entity other than the casino licensee, who engages in junket activity.

(5) “Junket operator license” means the license granted by the Commission to the junket operator to engage in junket activity under and subject to these regulations.

(6) “Junket representative” means any individual who is directly or indirectly employed by a junket operator, and who conducts junket activity in or concerning the casino(s) operated by the casino licensee.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2605 Licensure and Registration Required.

(a) All junket operators must be licensed by the Commission.

(b) All junket representatives must be registered with the casino licensee before any junket activity can be conducted at the casino(s) of the casino licensee.

(c) It is an unsuitable method of operation for the casino licensee to permit a junket operator or junket representative to conduct any Junket activity at the casino(s) of the casino licensee, unless the junket operator has been licensed by the Commission and the junket representative has been registered with the casino licensee.

(d) A junket operator must meet with the criteria and standards of Part 900 in applying for a junket operator license. The Commission has absolute discretion to deny, suspend or revoke a junket agent license at any time. A junket operator license shall be valid for two years.

(e) The Commission has authority to grant a provisional junket operator license upon submission by an applicant, to the satisfaction of the Commission, of all required fees and forms, and a current license issued for the same or substantially the same activities as the junket activity and issued by a gaming regulatory authority from the United States of America, Australia, South Korea, Macao, Singapore, or any other country as approved by the Commission. The provisional junket operator license shall be valid for a period not to exceed one year. Any person or entity that holds a provisional junket operator license may apply for a junket operator license at any time during the period of provisional licensure.

(f) **Mandatory License Requirements.** As a condition of every junket operator license, or provisional junket operator license, the Commission or its authorized representatives may inspect and monitor, at any time and with or without notice, any part of the junket operator, its operations, equipment, records, and related activities and any similar area or activity of the licensed junket operator, within or without the Commonwealth, and that a law enforcement officer may enter any such area as requested by the Commission. The Executive Director may authorize representatives of the Commission.

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(g) **Disqualification Criteria.** A junket operator license or a provisional junket operator license, must be denied to any applicant for a junket operator or provisional junket operator license who has failed to prove by clear and convincing evidence that he or any of the persons who must be qualified under § 175-10.1-905(a) possesses the qualifications and requirements set forth in § 175-10.1-920 and § 175-10.1-925 and any other section of these Regulations as if they were applicants for any other type of license.

Modified, 1 CMC § 3806(e)–(g).

History: Amdts Adopted 40 Com. Reg. 40566, 40571 (Feb. 28, 2018); Amdts Proposed 39 Com. Reg. 39773 (July 28, 2017); Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2610 **Rolling Chip Program.**

(a) The licensee may utilize a rolling chip program for junket or non-junket patrons only as authorized by the Commission or the Executive Director.

(b) As used in this subsection, the definition of “rolling chip program” has the definition as the term is traditionally used in gaming in Asia and includes, but is not limited to the use of “dead”, “non-negotiable”, or “free play” chips.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2615 **Adherence to Regulations and Orders.**

(a) No junket may be organized or permitted and no junket activity of any kind may occur or be permitted except in accordance with the provisions of these regulations and the orders of the Commission.

(b) No person may act as a junket operator, except in accordance with the provisions of these regulations and the orders of the Commission.

(c) The Commission is empowered to condition, suspend or revoke the junket operator license or to enter any order necessary for the regulation of junket activity. The Commission or Executive Director is allowed to suspend or terminate the registration of any junket representative.

(d) All junket operators and junket representatives who engage in junket activity must, at all times, comply with all CNMI and federal laws and regulations.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2620 **Key Employees for Junket Activity.**



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(a) Any employee or board member of the casino licensee or an affiliate of a casino licensee who engages in any junket activity including, inducing junket patrons to wager or negotiating terms of any rebate or commission for junket activity shall be licensed as a casino key employee in accordance with the provisions of these regulations; provided, however, that said licensee need not be a resident of the Commonwealth.

(b) Any employee or board member of the casino licensee or an affiliate of the casino licensee who make decisions concerning the extension or collection of credit to junket operators or patrons must be licensed as casino key employees, regardless of whether they reside in the Commonwealth.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2625 Form and Content of Junket Agreements.**

(a) Every junket agreement must contain all terms and conditions between the casino licensee and the junket operator, and must be in writing and signed by all parties.

(b) Every junket agreement entered into by a casino licensee and a junket operator or representative shall be deemed to include a provision for its termination without liability on the part of the casino licensee, if the Commission orders the termination upon the suspension, limitation, conditioning, denial or revocation of the licensure of the junket operator, or as a penalty imposed against the casino licensee. Failure to expressly include such a condition in the agreement shall not constitute a defense in any action brought to terminate the agreement.

(c) A copy of all junket agreements shall be provided to the Commission upon execution of the contract.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2630 Obligation of Casino Licensee and Junket Operator.**

(a) The casino licensee must keep a log of the junket representatives registered by the junket operator and make it available to the Commission upon request.

(b) The Commission may order restitution or impose penalties or such other relief as the Commission considers fit against the junket operator for any violation or deviation from the terms of any of these regulations or activities of a junket operator and limit or prohibit the engagement of any junket operator by the casino licensee.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

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### § 175-10.1-2635 Methods, Procedures, and Forms.

- (a) The Commission or the Executive Director shall, by order prescribe methods, procedures, and forms for the delivery and retention of information concerning the conduct of a junket by the casino licensee and persons engaged in junket activity.
- (b) The failure to follow any ordered method or procedure or the failure to complete or submit any ordered form is an unsuitable method of operation.
- (c) Every junket operator must provide to the Executive Director an exact copy of every tax or other document, form, or return filed with or provided to the Commonwealth's Secretary of Finance, the Department of Finance, or the Division of Revenue and Taxation within three days of such filing or provision, without regard as to whether the document, form or return was filed or provided by the junket operator or on behalf of the operator by an agent or third party.

Modified, 1 CMC § 3806(e)-(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2640 Required Fees.

- (a) Application for a junket operator license must be submitted to the Commission with a non-proratable, non-refundable license fee of one thousand dollars. The Application for a junket operator license must also be accompanied by a non-proratable, non-refundable investigation fee of six thousand dollars.
- (b) The regular junket operator license shall be valid for a period of two years unless revoked by the Commission. A non-proratable, non-refundable license fee of one thousand dollars shall be payable to the Commission for each renewal. Each renewal application must also be accompanied by a non-proratable, non-refundable investigation fee of six thousand dollars.
- (c) The application for a provisional junket operator license must be submitted to the Commission with a non-proratable and non-refundable license fee of one thousand dollars. The provisional license is valid for one year.

Modified, 1 CMC § 3806(e)-(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2645 Complimentary.

- (a) The licensee may engage in a program of extending wagering chips, instruments, or credits as allowed by Commission order or by order of the Executive Director.
- (b) Complimentary/promotional chips, instruments, and wagering credits used as wager shall form part of table capital and therefore be included in the gross gaming revenues.

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(c) No money expended on any complimentary item or service shall be deducted from gross gaming revenues.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2650 Prohibited Complimentary Activity.

(a) The licensee shall not offer or provide complimentary cash, chips, wagering credits, or instruments to any restricted person at any time.

(b) The licensee may offer or provide complimentary room, food, beverage, transportation, or (non-wagering) entertainment expenses to restricted persons only if such good, service, or discount is offered to all members of the general public in like circumstance.

(c) As used in this section, “restricted person” means any Commonwealth board member, officer, or employee.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## PART 2700 - SURVEILLANCE

### § 175-10.1-2701 General Surveillance Requirement.

Closed circuit surveillance systems and surveillance coverage of the casino operator licensee shall continuously comply with all requirements of the regulations and the Minimum Internal Control Systems (MICS) promulgated by the Commission by rule or order.

Modified, 1 CMC § 3806(a), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2705 Surveillance Department; Independence.

(a) The casino licensee shall have a Surveillance Department. The Surveillance Department shall be independent of all other departments and headed by a vice president who also may head the Security Department.

(b) Surveillance personnel shall have no other duties within the operation.

(c) Surveillance personnel are prohibited from receiving or consuming any intoxicating substance while on the premises.

(d) Surveillance Department members are not allowed to accept tips, gratuities, or gifts of any kind from any player or patron.

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Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2710 Control and Access.

(a) Unless otherwise specifically authorized by the Commission, only Surveillance and Commission personnel shall be permitted direct or indirect control, use of, or access to Surveillance Department camera systems or Surveillance Department room.

(b) Security may operate a closed circuit television (CCTV) system to monitor non-gaming areas. Surveillance may have access or override authority for Security's CCTV. However, Security shall not have access to the system operated by Surveillance.

(c) The vice president in charge of Surveillance may have a surveillance monitor and related equipment necessary to select and direct various Surveillance Department cameras in his office offsite at the casino licensee's sole risk; however, both the Surveillance Department and Commission shall be able to override the controls in the Vice President for Surveillance's office. Neither the Surveillance Department nor the Vice President for Surveillance shall have the capability to monitor any camera inside the Commission's surveillance room. A video recorder shall be maintained by the Surveillance Department that records all video displayed on the Vice President for Surveillance's monitor. Video recordings from the Vice President for Surveillance's recorder shall be maintained by the Surveillance Department for at least thirty days and be immediately available to any Commission agent upon request.

(d) Neither the Casino's Surveillance Department nor the Vice President for Surveillance shall have the ability to view any camera in the Commission's Surveillance room.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2715 Casino Floor Plan.

(a) A copy of the current casino floor plan showing the placement of all surveillance cameras shall be posted in the Surveillance Department room within 24 hours of any change.

(b) A copy of the current casino floor plan showing the placement of all surveillance cameras shall be provided to the Commission for posting in the Commission's surveillance room within 24 hours of any change.

(c) The floor plans referred to in subsections (a) and (b) shall list whether each camera is fixed or PTZ.

(d) The casino floor plans (both former and current) are deemed confidential and not suitable for public inspection or copying.

Modified, 1 CMC § 3806(f).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2720 Dedicated Coverage Generally.

- (a) All required dedicated camera coverage shall remain in the Commission approved position.
- (b) When changes to required dedicated camera coverage are needed, the Commission shall approve the new coverage prior to use.
- (c) The Commission's order approving surveillance coverage is deemed confidential and not subject to public inspection or copying.
- (d) All PTZ cameras will have a Commission-approved home position.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2725 Specific Surveillance Requirements.

- (a) Surveillance coverage of slot machines shall provide sufficient clarity to read both the asset number and game outcome.
- (b) Surveillance coverage of table games shall meet the following standards:
  - (1) Fixed cameras shall provide views that enable a layperson to clearly determine table number, chip values, cash denominations, card values (including pips, face cards (K, Q, or J) and, if relevant, suits), and game outcome (e.g., ability to reconstruct hands);
  - (2) Dedicated coverage of the game outcome on table games is only required for games which do not have an automated game history that records at least the last fifty rounds of play;
  - (3) Table bank trays, betting areas and card placement shall be continuously covered. Rail-to-rail fixed coverage is not required;
  - (4) Player's and dealer's hands shall be recorded by Surveillance anytime the person's hands touch cards, chips in the betting area, or the chip tray. If table size or field of view is such that one fixed camera cannot provide the required coverage, whatever number of cameras needed to meet the coverage requirements shall be used;
  - (5) If PTZ cameras are used to provide the required continuous coverage, they shall be locked in position dedicated to that location and shall function as a fixed camera;
  - (6) Any signage displaying the value of a progressive or bad beat award shall have dedicated coverage.
- (c) Surveillance coverage in the cage shall be recorded with sufficient clarity to identify all paperwork and the denomination of chips and currency.
- (d) Surveillance coverage of the entry and exit areas shall be sufficiently clear to permit identification of persons.
- (e) Panic alarms shall be audible in the surveillance room.

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Modified, 1 CMC § 3806(f), (g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2730 Surveillance Room Access and Control.

(a) Unless otherwise specifically authorized by the Commission, access to the surveillance room is restricted to surveillance and Commission personnel. Management higher than the Vice President for Surveillance and/or Vice President for Security may enter the room if accompanied by a Commission agent and their access shall be recorded on a Surveillance Ingress/Egress Log.

(b) Any person other than a person listed in subsection (a) needing access to the surveillance room shall obtain prior permission of the Commission and their access shall be recorded on a Surveillance Ingress/Egress Log.

(c) The Executive Director shall be notified prior to internal or external auditors accessing the surveillance room. Auditor access shall be limited to the following:

(1) Internal audit may access the surveillance room to perform audit work up to fifty hours per calendar quarter. Additional hours may be granted by the Executive Director upon request; and

(2) External audit personnel may access the surveillance room to perform audit work up to twenty-five hours per calendar quarter. Additional hours may be granted by the Executive Director upon request.

(d) The surveillance equipment in the casino's surveillance room shall be able to monitor and record without being overridden by anyone other than the Commission. Only Surveillance and Commission personnel shall have the ability to monitor the camera(s) installed in the casino's surveillance room.

(e) The surveillance equipment in the Commission's surveillance room shall be able to monitor and record without being overridden. Only Commission personnel shall have the ability to monitor the camera(s) installed in the Commission's surveillance room.

Modified, 1 CMC § 3806(d)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2735 Mandatory Monitoring and Recording.

(a) Surveillance personnel shall video record in its entirety and continuously monitor all drops and counts, including drops and counts of pooled dealer, cage cashier, and slot attendant tips.

(b) The Commission may require monitoring and requiring of any other event the Commission deems necessary in the MICS.

Modified, 1 CMC § 3806(g).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2740 Surveillance Release Log.

- (a) A surveillance release log shall be maintained recording who receives a copy of video recordings.
- (b) The casino operator shall provide all images and recordings to the Commission or its agent upon request.
- (c) Video recordings of criminal or regulatory investigations or violations shall not be released to anyone without the approval of a Commission agent, except that images or recordings of the outside of the facility and surrounding areas and roadways may be freely given upon request of any law enforcement officer acting in his or her official capacity.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2745 Panic Alarms.

- (a) Whenever panic alarms are activated the Commission and security shall be notified.
- (b) Tests of all panic alarms shall be conducted as required by the Commission.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2750 Duty to Notify Commission.

- (a) Surveillance personnel must immediately inform the Commission any time illegal activities or violations of regulations, MICS, or internal controls are suspected.
- (b) If a video recording exists of the suspected illegal activity or violation of regulations or MICS, the surveillance personnel must immediately notify the Commission agent of the video recording's existence.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## PART 2800 - SECURITY

### § 175-10.1-2801 General Security Requirement.

Security systems and personnel of the casino operator licensee shall continuously comply with all requirements of the regulations and the MICS promulgated by the Commission by rule or order.

Modified, 1 CMC § 3806(a), (f)–(g).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed (a) to a leading paragraph pursuant to 1 CMC § 3806(a).

### § 175-10.1-2805 Security Department; Independence.

- (a) The casino licensee shall have a Security Department. The Security Department shall be independent of all other departments.
- (b) Security personnel shall only report to and be supervised by a vice president who also may supervise Surveillance.
- (c) Security personnel are prohibited from receiving or consuming any intoxicating substance while on the premises.
- (d) Security personnel are not allowed to accept tips, gratuities, or gifts of any kind from any player or patron.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2810 Mandatory Reporting.

- (a) Security personnel shall promptly report to the Commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than minor traffic violations), or Commission rules (to include Commission regulations, MICS, Internal Control Systems, and other orders of the Commission) committed by licensees, their employees, or others, including, without limitation, the performance of licensed activities different from those permitted under their license.
- (b) The Commission shall also be immediately notified of all inquiries made by law enforcement or other government officials concerning the conduct of any licensee.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2815 Security Incident Log.

The Commission shall be provided, on a weekly basis, a copy of the security incident log of all security incident reports generated during the reporting period.

Modified, 1 CMC § 3806(a), (f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed (a) to a leading paragraph pursuant to 1 CMC § 3806(a).



**§ 175-10.1-2820 Emergency Response Plan.**

Security personnel shall be trained to implement the mandatory emergency response plan which the casino operator must submit to the Commission for review.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

**§ 175-10.1-2825 Minimum Internal Controls.**

(a) In addition to any other requirement required by the Commission, the casino licensee's internal control system shall contain detailed procedures, including who participates in each activity, their duties and responsibilities, forms completed, signatory responsibilities, and all applicable controls for the following:

- (1) Medical emergencies;
- (2) Intoxicated persons;
- (3) Disorderly/disruptive patrons; and
- (4) Eviction procedures.

(b) The internal control system shall include detailed procedures for preparation and processing of security incident reports, including who participates, their duties and responsibilities, signatory requirements, distribution, and all applicable controls.

(c) The Commission shall promulgate by order or rule other minimum internal controls for the Security Department and every other department of the casino licensee.

Modified, 1 CMC § 3806(a), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission renumbered the second (b) to (c) pursuant to 1 CMC § 3806(a).

**§ 175-10.1-2830 Casino Access Control: Minors.**

(a) Persons under twenty-one years of age shall not be permitted access to the casino floor unless licensed by the Commission.

(b) Persons under twenty-one years of age shall not be allowed to loiter near a gaming table or machine.

(c) Persons under twenty-one years of age shall not be allowed to place a wager.

(d) Persons under twenty-one years of age shall not be allowed to collect a winning wager in any manner.

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(e) The enforcement of admission and gambling restrictions for persons under twenty-one years of age shall include, at a minimum, checking their government-issued photo identification.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2835 Casino Access Control: Visibly Intoxicated Persons.

(a) Persons who are visibly intoxicated shall not be permitted access to or allowed to remain on the casino floor.

(b) Persons who are visibly intoxicated shall not be allowed to place a wager.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2840 Prohibition on Transactions.

(a) Security personnel shall not conduct cash transactions without approval of the Commission agent on duty.

(b) Security personnel shall not conduct chip or ticket redemptions without approval of the Commission agent on duty.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

## Part 2900 - SELF-EXCLUSION LIST

### § 175-10.1-2901 Self-Exclusion Policy.

(a) The Executive Director shall provide a procedure whereby a person who acknowledges that he or she has a gambling problem may self-identify and self-exclude himself or herself from the gambling or gaming facilities licensed by the Commission. The procedure shall require self-excluded persons to agree not to enter the facility licensed by the Commission unless the self-excluded person is working and agree to be removed voluntarily from all mailing, marketing and promotional lists and databases.

(b) This policy is to be interpreted broadly and shall apply to any gambling, gaming, or similar facility over which the Commission has jurisdiction.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2905 Establishment of Self-Exclusion List.

(a) Any person who acknowledges that he or she has a gambling problem may request of the Executive Director that he or she be excluded voluntarily from the gambling or gaming facilities licensed by the Commission on a permanent basis, except as limited by § 175-10.1-2935. A

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person shall be placed on the self-exclusion list upon submission of all information and completion and execution of all forms required under § 175-10.1-2915, as enforced by the Executive Director.

(b) Any person placed on the self-exclusion list shall be prohibited for a minimum of five years from entering the gambling or gaming facilities licensed by the Commission. Any gaming regulatory agency in any state or jurisdiction with which the Commission enters into an agreement to share confidentially the information contained in the self-exclusion list may, in its sole discretion, prohibit a person placed on the self-exclusion list from entering any gaming operation within its jurisdiction.

(c) The Executive Director shall maintain the self-exclusion list in a confidential manner.

Modified, 1 CMC § 3806(e)–(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2910 Locations to Execute Self-Exclusion Forms.

Any person may seek placement on the self-exclusion list by contacting any agent of the Commission who may be present in any gambling or gaming facility licensed by the Commission when gambling or gaming is conducted, appearing at the offices of the Commission in Gualo' Rai, Saipan, during regular business hours, or appearing before a person designated by the Executive Director as a registration agent. Persons who are unable to travel to the Commission office due to employment, financial, or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the Executive Director. Nothing in this section shall require that an accommodation be granted.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2915 Information Required for Placement on the Self-Exclusion List.

(a) The Executive Director shall determine the information and forms to be required of a person seeking placement on the self-exclusion list. Such information may include, but not be limited to, the following:

- (1) Full name, including maiden name and alias information;
- (2) Home street address and/or P.O. Box;
- (3) Date of birth;
- (4) Social security number;
- (5) A copy of his or her driver's license;
- (6) A physical description;
- (7) A current photograph;
- (8) A certification that s/he is a problem/disordered gambler and wants to self-ban;
- (9) A certification that s/he agrees that casino has no independent knowledge of the veracity of the claim certified in subsection (a)(8);

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- (10) A statement that s/he understands that returning to the premises constitutes a material breach of the contract;
- (11) An agreement to notify the Casino within 24 hours of the breach;
- (12) An admission that his/her presence in the licensed facility when on the self-exclusion list is unlawful and unauthorized;
- (13) An admission that any entry into a facility licensed by the Commission while on the self-exclusion list interferes with the peaceful use and enjoyment of the property of another;
- (14) An admission that his/her presence in the self-exclusion list conclusively demonstrates that s/he has been lawfully advised to leave the licensed facility, and his/her presence in the facility is a refusal to promptly leave the facility; or desist refuses to promptly do so;\*and
- (15) An agreement that his/her failure to comply with this voluntary ban may result in trespass, arrest, and prosecution.

(b) Failure to provide any information or requested admission or to execute any forms deemed necessary by the Executive Director may result in a denial of a request for placement on the self-exclusion list.

(c) Such forms shall include a request to waive the liability of the Commission, its agents, and the Commonwealth for any damages that may arise out of any act or omission related to placement or non-placement on or removal or non-removal from the self-exclusion list.

(d) Such form shall require the casino to agree:

- (1) To allow the patron to self-exclude and to remove the patron or have them arrested for trespass in the event the gambler is found on the premises;
- (2) That any losses incurred by a self-excluded gambler following a ban will be donated to the Commonwealth if the casino has been provided an updated self-exclusion list which contains the name of the self-excluded gambler.

\* So in original.

Modified, 1 CMC § 3806(d), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2920 Sanctions for Failure to Adhere to Voluntary Self-Exclusion.

(a) A person seeking placement on the self-exclusion list shall, at the time of the request to be placed on the list, agree in writing that he or she will:

- (1) Not enter the premises of a facility licensed by the Commission unless he or she is reporting for work; and
- (2) Forfeit to the Commonwealth general fund all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play or in plain view in the possession or control of the self-excluded person, at the time he or she is apprehended, as a sanction for entering the facility licensed by the Commission after voluntary placement on the self-exclusion list. This sanction does not apply to employees entering the facility to work.

Modified, 1 CMC § 3806(f).

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History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2925 Distribution and Availability of Confidential Self-Exclusion List.

- (a) The Executive Director shall maintain and keep current the self-exclusion list. The list shall be updated and distributed in its entirety to the licensed casino facility on a regular basis.
- (b) Upon placement on the self-exclusion list by the Executive Director, the name and identifying information of the self-excluded person shall be distributed to the licensed casino.
- (c) The licensed casino may not disclose the name of any person on the self-exclusion list to any third party unless specifically authorized by these regulations or required by a court order specifically requiring the release of mental health records and information.
- (d) No owner licensee, applicant or licensed casino employee or casino key employee or casino employee or casino key employee applicant who obtains identifying information about a person on the self-exclusion list from any source may disclose the name or identifying information of the self-excluded person, except as necessary to effectuate, or as specifically permitted by, these regulations.
- (e) Any licensee or applicant for license and any approved casino employee or casino key employee or casino employee or casino key employee applicant who knowingly discloses, authorizes disclosure, permits a disclosure, or otherwise assists in the disclosure of the identity of a person on the self-exclusion list shall be subject to discipline for each disclosure, including but not limited to any disclosure by any of its officers, directors, employees, attorneys, agents and contractors, unless the disclosure complies with the following provisions:
- (1) The disclosure is made on the same need to know basis restriction applicable to mental health information to staff for the sole purpose of effectuating the approved internal control responsibilities.
  - (2) The disclosure is made for the sole purpose of effectuating the self-exclusion program and this Part as to any customer tracking system, customer identification system, chips and token exchange system, financial transactions system, or check and credit system.
  - (3) The disclosure is made in compliance with the approved internal controls.
- (f) Nothing in this section prohibits disclosure of the name of a person on the self-exclusion list to the Commission or its staff or to a person authorized in writing by the self-excluded person on the self-exclusion list to receive such information.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2930 Duties of Licensees.

- (a) No licensee shall knowingly allow any person placed on the self-exclusion list to enter the licensed facility, or engage in gaming, check cashing, or gambling at, the licensed facility.

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The licensed casino shall cause the name and address of any person on the self-exclusion list to be flagged on all mailing, marketing or promotional lists or databases, except as provided in this Part. No licensee shall knowingly send marketing or promotional materials to any person placed on the self-exclusion list.

(b) The licensed casino shall maintain a system designed to detect persons on the self-exclusion list so as to enforce these regulations.

(c) Forfeiture.

(1) A licensee must immediately notify a Commission agent upon making a determination that a person listed on the self-exclusion list has entered licensed facility for purposes other than licensed employment and remove the person from the facility.

(2) Upon ascertaining that a person on the self-exclusion list is present in the licensed facility for purposes other than licensed employment, a licensee must inventory, in the presence of a Commission agent, all claimed or unclaimed jackpots and winnings, and all chips, tokens, vouchers or electronic credits in play or in plain view in the possession or control of the self-excluded person, at the time he or she is apprehended. The owner licensee shall provide a receipt to the self-excluded person for all items inventoried.

(3) The casino licensee shall refrain from paying out jackpots under \$1,200 and from paying out all jackpots in amounts of \$1,200 or over won by patrons on the self-exclusion list. The casino licensee shall refrain from paying out any winnings of any kind to persons on the self-exclusion list.

(d) The casino licensee shall cause the name and address of any person on the self-exclusion list to be flagged on all check-cashing, credit issuance, and other financial eligibility lists or databases utilized by the casino licensee for any purposes, except as authorized by this Part. Licensees shall not knowingly cash checks for, extend gaming operation credit to, or otherwise assist a person on the self-exclusion list to obtain funds for gambling purposes.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2935 Request for Removal from the Self-Exclusion List.**

(a) Upon the expiration of five years from the date of placement on the self-exclusion list, any person who has been placed on the self-exclusion list may request the Executive Director to remove his or her name from the self-exclusion list. The request must be in writing, state with specificity the reason for the request and be submitted to the Executive Director at the Commission's office in Saipan. The request must be based on the elimination of a mental health or medical condition underlying the person's acknowledgment that he or she has been a problem gambler and unable to gamble responsibly. Information as to mental health or medical conditions will be maintained pursuant privacy provisions of the Commonwealth constitution and other applicable federal and Commonwealth laws.

(b) If the Executive Director approves the request, the Executive Director shall inform the casino licensee of the removal no later than 10 days after approval. If the Executive Director

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denies the request, the Executive Director shall send to the person who has requested removal a notice of denial of removal from the self-exclusion list by certified mail. The casino licensee may continue to deny gambling privileges to self-excluded persons who have been removed from the list.

(c) A decision whether to remove a person from the self-exclusion list shall be within the discretion of the Executive Director, subject to the fulfillment of all requirements under § 175-10.1-2940 and further subject to the process provided by § 175-10.1-2945.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2940 Required Information, Recommendations, Forms and Interviews.

(a) A person requesting removal from the self-exclusion list must, in connection with the request, provide the Executive Director with all of the following:

(1) Documentation as to treatment received for the person's gambling problem, length of treatment, and names and qualifications of treatment providers.

(2) A written recommendation, from a treating physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling. For purposes of this section, "certified gambling counselor" means an individual who has completed a specific course of study in the treatment of problem gambling and has been certified by a certification organization acceptable to the Commission and listed on the Commission's website.

(3) Upon request of the Executive Director, a written recommendation, from a second or subsequent physician or qualified mental health professional who is a certified gambling counselor, as to the self-excluded person's capacity to participate in gambling without adverse health and mental health risks or consequences related to gambling.

(4) All information required under §175-10.1-2915(a)(1)–(7).

(5) A statement informing the Executive Director whether the person has been present at the licensed casino while not working while on the self-exclusion list and, if so, the dates and times of attendance.

(6) A waiver of liability of the Commission, its agents and the Commonwealth for any damages that may arise out of any act or omission committed by the person as a consequence of his or her removal from the self-exclusion list, including any monetary or other damages sustained in connection with the person's renewal of any gambling or gaming activities of any kind.

(7) A verified, written consent to the release of all of the person's medical and counseling records related to the proposed removal from the self-exclusion list.

(8) Any additional information, forms, recommendations, or other materials necessary, as determined by the Executive Director, to demonstrate the elimination of the mental health or medical condition underlying the person's acknowledgement that he or she has been a problem gambler and unable to gamble responsibly.

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(b) Upon request of the Executive Director, a person seeking removal from the self-exclusion list shall appear for an interview at an office of the Commission designated by the Executive Director during regular business hours. Persons who are unable to travel to a Commission office due to employment, financial or medical reasons may request, in writing, a reasonable accommodation in a manner or at a site and time designated at the sole discretion of the Executive Director. Nothing in this section shall require that an accommodation be granted.

(c) The Executive Director shall ascertain to the extent possible whether a person requesting removal from the self-exclusion list was ever present in the area within the licensed facilities for purposes other than work while on the list.

(d) The Executive Director shall not rule on a request for removal from the self-exclusion list until all requirements of this section have been fulfilled.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed “Subpart” to “section” in (a)(2) pursuant to 1 CMC § 3806(g).

### § 175-10.1-2945 Appeal of a Notice of Denial of Removal.

(a) A denial by the Executive Director of a request by a self-excluded person to be removed from the self-exclusion list pursuant to § 175-10.1-2935 shall be subject to review by the Commission upon a verified written petition submitted to the Commission within fifteen days after the issuance of the notice of denial of removal, which shall be deemed to be notice required by § 175-10.1-1420(a).

(b) The petition shall state with specificity facts believed by the petitioner to constitute clear and convincing evidence for removal of his or her name from the self-exclusion list. The petition shall be notarized and shall include a certification in the following form:

The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters in the petition stated to be on information and belief. As to matters stated to be on information and belief, the undersigned certifies that he or she believes these matters to be true and correct.

(c) The Commission shall either deny the petition or set the petition for hearing. The Commission may deny a petition if:

- (1) The petition fails to comply with any of the requirements of subsection (a) or (b);
- (2) The facts contained in the petition are the same or substantially the same facts that the petitioner set forth in a previous petition filed under this section; or
- (3) The petition, assuming all facts contained in it are true and correct, does not establish a prima facie case.

(d) In the event the Commission elects to set the petition for hearing, the procedures specified for other contested cases.



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(e) For purposes of hearings conducted under this section, all information, recommendations, forms, records of interviews and other materials, formal and informal, obtained by the Executive Director shall be considered official Commission records and therefore admissible into evidence.

(f) All proceedings related to an administrative hearing on a notice of denial of removal shall be closed to members of the public unless otherwise consented to in writing by the self-excluded person or allowed by federal or state law.

(g) The Commission's denial of a petition brought under this section is a final decision of the Commission.

Modified, 1 CMC § 3806(d), (f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2950 Duties of Casino Licensee to Persons Removed from the Self-Exclusion List.**

(a) The casino licensee shall establish its own policies and procedures for allowing or disallowing any person removed from the self-exclusion list to enter for purposes other than licensed employment or game in its facility subsequent to the person's removal from the self-exclusion list.

(b) Nothing in this Part shall require any licensee under the Act to provide assistance to a person removed from the self-exclusion list.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-2955 Placement on the Self-Exclusion List Following Removal.**

A person whose name has been removed from the self-exclusion list may subsequently request to be placed again on the list. The procedure for placement on the self-exclusion list under this section shall be the same as that for a person requesting placement on the list for the first time. A placement of a person on the self-exclusion list under this section shall be permanent, notwithstanding any other provision of this Part.

Modified, 1 CMC § 3806(f)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed “Subpart” to “Part” pursuant to 1 CMC § 3806(g).

### **§ 175-10.1-2960 Duties of the Commission.**

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The Commission may assist a person who acknowledges that he or she has, or has had, a gambling problem as provided in this Part. The Executive Director may provide to a person seeking placement on, or removal from, the self-exclusion list pertinent information about problem gambling and post-treatment assistance, deemed appropriate. The Executive Director may refer any inquiries for assessment, evaluation, treatment or post-treatment assistance from a person seeking to be placed on, or removed from, the self-exclusion list to the Commonwealth Health Corporation or another appropriate source of information.

Modified, 1 CMC § 3806(f).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-2965 Third Party Exclusion Procedures.

(a) A person (“applicant”) can apply to the Executive Director on behalf of his or her legally married spouse (“patron”) for inclusion into an exclusion program because of concern that the patron is a problem gambler.

(b) Upon receipt of the application, the Executive Director may:

(1) Ask for the name and any available identification of the potential problem gambler from the applicant;

(2) Inform the applicant that the casino licensee will, within 30 days of notification from the CCC, compare the behavior of the patron to the casino licensee’s problem gaming policies, and approach the patron if their gaming history indicates actual or potential harm arising from gambling;

(3) Inform the applicant that the casino licensee will mail problem gambling information to the patron if the patron’s mailing address is known;

(4) Provide the applicant with problem gambling information and details of how to obtain support to the patron for problem gambling;

(5) Inform the applicant that neither the CCC nor the casino licensee will provide the applicant with any personal information of the patron which comes to the attention of the CCC or the casino licensee.

(6) The Executive Director may promulgate any needed form or procedure to implement this regulation. The forms shall, at a minimum, ensure that the applicant has the required relationship with the patron and the applicant must state the reasons why the patron should be excluded. The applicant must provide supporting evidence, for example, financial records, proving that the patron’s family is in financial difficulty as a result of the patron’s gambling activity. The applicant must complete a declaration under penalty of perjury confirming their request for third party exclusion of the patron and listing the reasons therefore.

(c) Within five days of receipt of an application including the completion of all required forms, the Executive Director shall provide the casino licensee with a copy of the application and any other information the Executive Director deems relevant.

(d) Within 25 days of receipt of the information listed in subsection (c), the casino licensee shall:

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- (1) Compare the behavior of the patron to the casino licensee's problem gaming policies, and approach the patron if their gaming history indicates actual or potential harm arising from gambling;
  - (2) Attempt to meet with the patron to determine if sufficient facts and evidence exist to warrant the exclusion of the patron as a problem gambler. The patron may be afforded an opportunity to explain why the patron should not be excluded. The casino licensee may make further enquiries before making a decision about excluding the patron;
  - (3) Hand deliver problem gambling information to the patron if he visits the casino or mail problem gambling information to the patron if the patron's mailing address is known;
  - (4) Decide whether the patron will be excluded if the patron chooses not to self-exclude;
  - (5) Inform the Executive Director of the results of the activities listed in subsections (1)–(4).
- (e) Exclusion Decision.
- (1) If the patron decides to self-exclude, the casino licensee shall immediately inform the CCC of that fact and the casino licensee shall immediately provide to the patron the self-exclusion forms required by this Part.
  - (2) If the patron does not wish to self-exclude, the casino licensee shall decide whether or not to proceed with the exclusion of the patron.
- (f) Notification of exclusion. If the casino licensee determines that the patron should be excluded, it shall provide the patron with written notification thereof.
- (g) Ending the Exclusion. After at least two years, the patron can apply to have the ban lifted and the exclusion terminated.
- (1) The patron must provide evidence that his or her gambling is under control and done for reasons other than compulsion. This may be in the form of a supporting letter from a medical professional or certified gambling counselor.
  - (2) The patron shall be required to undertake an assessment interview with the casino licensee prior to the ban being lifted and termination of the exclusion.
  - (3) At least ten days prior to the termination of the exclusion, the casino licensee must notify the Commission.

Modified, 1 CMC § 3806(e)–(g).

History: Adopted 40 Com. Reg. 40910 (Aug. 28, 2018); Proposed 40 Com. Reg. 40590 (Mar. 28, 2018).

### **Part 3000 - PATRON DISPUTES**

#### **§ 175-10.1-3001 Investigation and Decision of Executive Director.**

- (a) Whenever the casino licensee, or its employee, refuses payment of alleged winnings to a patron, the licensee and the patron are unable to resolve the dispute to the satisfaction of the patron and the dispute involves:
- (1) At least five hundred dollars, the licensee shall immediately notify the Executive Director; or
  - (2) Less than five hundred dollars, the licensee shall inform the patron of his right to request that the Executive Director conduct an investigation.

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(b) The Executive Director shall conduct whatever investigation is deemed necessary and shall determine whether payment should be made. Thereafter, the Executive Director shall issue an appropriate order. This order shall not constitute a waiver, suspension, or modification of the requirements of the Commission regulations, which remain in full force and effect. Issuance of this order is not an election by the Commission, Executive Director, or the Commonwealth to forego any civil or any criminal action otherwise authorized by any other applicable law or regulation.

(c) The Executive Director shall provide written notice to the Commission, the licensee and the patron of his decision resolving the dispute within thirty days after the date the Executive Director first receives notification from the licensee or a request to conduct an investigation from the patron.

(d) Failure to notify the Executive Director or patron as provided in subsection (a) is an unsuitable method of operation.

(e) The decision of the Executive Director is effective on the date the aggrieved party receives notice of the decision. The date of receipt is presumed to be the date specified on the return receipt, if the notice was mailed.

(f) Notice of the decision of the Executive Director shall be deemed sufficient if it is mailed to the last known address of the licensee and patron. The date of mailing may be proven by a certificate signed by an employee of the Executive Director that specifies the time the notice was mailed. The notice is presumed to have been received by the licensee or the patron five days after it is deposited with the United States Postal Service with the postage thereon prepaid.

Modified, 1 CMC § 3806(e)–(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-3005 Construction.**

This Part should be liberally construed to achieve fair, just, equitable, and expedient resolutions of all disputes.

Modified, 1 CMC § 3806(a).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

Commission Comment: The Commission changed (a) to a leading paragraph pursuant to 1 CMC § 3806(a).

### **§ 175-10.1-3010 Service.**

Except as otherwise provided in this Part:

(a) All pleadings, notices, and other papers required by this Part to be served may be served by personal delivery or certified mail.

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(b) A party serving a pleading, notice, or other paper required by this Part to be served must file a proof of service in the form of a certificate signed by the party or his representative and stating the date and manner of service.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3015 Initiation of Hearing Procedure; Notice of Hearing.

(a) Proceedings to review a decision made by the Executive Director pursuant to § 175-10.1-3001 must be initiated by the filing and service of a petition in accordance with this chapter or be barred.

(b) A copy of the petition must be served on the respondent.

(c) The respondent may file and serve a written response within fifteen days after being served with a copy of the petition.

(d) After the time for respondent to file and serve a written response to the petition has expired, the hearing examiner appointed by the Executive Director or the Commission shall determine the date, time, and place of the hearing on the petition.

(e) Notice of the hearing must be served by the hearing examiner on each of the parties at least twenty days before the hearing, unless the hearing examiner reasonably determines that a lesser notice period is appropriate.

Modified, 1 CMC § 3806(g).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3020 Pre-Hearing Motions.

Unless otherwise ordered by the hearing examiner, all pre-hearing motions must be filed and served at least ten days before the hearing.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3025 Nature of Hearing.

(a) Unless the hearing examiner reasonably determines that a different procedure is appropriate, the hearing may be conducted in accordance with the following procedures:

(1) The petitioner may present an opening statement on the merits and the respondent may then make a statement of the defense. The respondent may reserve his statement of the defense for the presentation of his case.

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- (2) After his opening statement, if made, and the respondent's statement of the defense, if not reserved, the petitioner shall present his case in chief in support of the petition.
  - (3) Upon conclusion of the petitioner's case in chief, the respondent may move for dismissal of the petition. The hearing examiner may grant, deny, or reserve decision on the motion, with or without argument.
  - (4) If no motion to dismiss is made, or if such motion is denied or decision is reserved thereon, the respondent shall then present his case in defense.
  - (5) Upon conclusion of the respondent's case, the petitioner may present rebuttal evidence.
  - (6) After the presentation of the evidence by the parties, the petitioner may present a closing argument. The respondent may then present his closing argument and the petitioner may then present a rebuttal argument. Thereafter the matter will stand submitted for decision.
- (b) All or part of the hearing may be conducted by telephone or videoconference.
  - (c) The hearing must be recorded by the hearing examiner on audio tape or other means of sound reproduction, unless it is reported stenographically for a party at the party's own expense, in which case the party must provide the original hearing transcript to the hearing examiner.
  - (d) Unless otherwise ordered by the hearing examiner, the parties may submit written memoranda of points and authorities at any time before the hearing. The hearing examiner may order or allow the parties to file written memoranda of points and authorities after the conclusion of the hearing.
  - (e) Continuances of the hearing date may be granted upon a showing of good cause by the party requesting the continuance.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3030 Presentation of Evidence.

- (a) Oral evidence may be taken only upon oath or affirmation administered by the hearing examiner.
- (b) Affidavits may be received in evidence.
- (c) Each party may:
  - (1) Call and examine witnesses;
  - (2) Introduce exhibits relevant to the issues of the case, including the transcript of testimony at any investigative hearing;
  - (3) Cross-examine opposing witnesses on any matter relevant to the issues of the case, even though the matter was not covered in a direct examination;
  - (4) Impeach any witness, regardless of which party first called him to testify; and
  - (5) Offer rebuttal evidence.
- (d) If a party does not testify on his own behalf he may be called and examined as if under cross-examination.

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(e) The hearing examiner may take official notice of any generally accepted information or technical or scientific matter within the field of gaming, and of any other fact which may be judicially noticed by the courts of this Commonwealth. The parties must be informed of any information, matters or facts so noticed and must be given a reasonable opportunity, on request, to refute such information, matters or facts by evidence or by written or oral presentation of authorities. The manner of such refutation shall be determined by the hearing examiner.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3035 Admissibility of Evidence.

(a) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted and is sufficient in itself to support a finding if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action.

(b) The parties or their counsel may by stipulation agree that certain evidence be admitted even though such evidence might otherwise be subject to objection.

(c) Irrelevant and unduly repetitious evidence should not be admitted.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3040 Subpoenas.

At the request of a party, subpoenas may be issued by the hearing examiner.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3045 Discovery.

No discovery shall be permitted except upon a finding of good cause justifying the discovery sought. Notwithstanding the foregoing, the Executive Director at all times retains the authority to require the casino licensee to provide any requested document, statement, or video or audio evidence.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3050 Amended or Supplemental Pleadings.

The hearing examiner may, before submission of the case for decision, permit the filing of an amended or supplemental petition or response, including an amended or supplemental pleading that conforms to the evidence presented during the hearing. A request for permission to file an amended or supplemental pleading may be made orally during the hearing or in writing. If the request is in writing, a copy must be served on the opposing party. The hearing examiner thereafter shall provide the opposing party a reasonable opportunity to make objections thereto.

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If an application for leave to file an amended or supplemental pleading is granted, the hearing examiner must permit the parties to introduce additional evidence with respect to any new matter contained in the pleading.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3055 Communications.

- (a) Unless required for the disposition of ex parte matters authorized by statute or regulation:
- (1) Neither a party nor his representative shall communicate, directly or indirectly, with any Commission member or the hearing examiner regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.
  - (2) Neither a Commission member nor the hearing examiner shall communicate, directly or indirectly, with any party or his representative regarding any matter related to the hearing, except upon notice and opportunity to all parties to participate.
- (b) This section does not preclude:
- (1) Any Commission member or the hearing examiner from consulting with Commission counsel concerning any matter related to the hearing.
  - (2) A party or his counsel conferring with the hearing examiner, the Commission Chairman, or Commission counsel on procedural matters.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3060 Default.

The unexcused failure of a party to appear at the hearing may constitute a default and an admission of any facts that may have been alleged by the opposing party. The hearing examiner may take action based on such default or admission or on any other evidence without further notice to the defaulting party. If the hearing examiner takes action based on an admission, the record must include the evidence upon which the action is based.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3065 [Reserved.]

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3070 Burden of Proof.

The person aggrieved by the decision of the Executive Director bears the burden of showing by a preponderance of the evidence that the decision made by the Executive Director pursuant to §175-10.1-3001 should be reversed or modified.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### § 175-10.1-3075 Decision of the Hearing Examiner.



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- (a) No later than thirty days after the hearing, the hearing examiner shall render a written decision on the merits that sustains, modifies or reverses the initial decision of the Executive Director.
- (b) The decision of the hearing examiner must contain findings of fact and a determination of the issues presented.
- (c) A copy of the decision must be served on each party. The decision must be accompanied by proof of service in the form of a certificate signed by an agent or employee of the Commission and stating the date and manner of service. The decision is effective and final upon service on all parties, unless otherwise ordered by the hearing examiner. If the decision is sent by mail, it will be presumed to have been served five calendar days after it is mailed.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§ 175-10.1-3080 Appeal to Commission.**

- (a) Any party aggrieved by a final decision of the hearing examiner may appeal to the Commission.
- (b) The Commission's review will be limited to the evidence before the hearing examiner. The Commission may remand the case to the hearing examiner for additional evidence if sufficient reason exists for the failure to present the evidence at the hearing.
- (c) The Commission may affirm, modify, or reverse the decision of the hearing examiner.
- (d) No later than thirty days after hearing the appeal, unless the time is extended by the Commission, a copy of the Commission's decision must be served on each party. The decision must be accompanied by proof of service in the form of a certificate signed by an agent or employee of the Commission and stating the date and manner of service. The decision is effective and final upon service upon all parties, unless otherwise ordered by the Commission. If the decision is sent by mail it will be presumed to have been served five calendar days after it is mailed.

Modified, 1 CMC § 3806(e).

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).

### **§175-10.1-3085 Judicial Review.**

Judicial review of a final decision of the Commission may be had in accordance with applicable Commonwealth law.

History: Adopted 38 Com. Reg. 38619 (Oct. 28, 2016); Proposed 38 Com. Reg. 38424 (Aug. 28, 2016).